SUBJECT INDEX OF AGRICULTURE DECISIONS

DECEMBER 1976

Page

AGRICULTURAL MARKETING AGREEMENT ACT, 1937

DISMISSAL

Order of 1821

ORDER

Terminating proceeding. 1820

ORDER PROVISIONS

Properly applied. 1812

PETITION FOR RELIEF

Dismissal of 1812

PRODUCER-HANDLER

Loss of status as. 1812

TERMINATION OF PROCEEDING

Order for 1820

FEDERAL MEAT INSPECTION ACT

BINDING NEGOTIATIONS

Where mutual assent was expressed orally to settle the litigation, the negotiations with respect thereto then became binding. 1822

CONSENT SETTLEMENT

Agreement on is not conditional and may not be overturned 1822

INSPECTION SERVICE

Withdrawal of, *with provisions* 1822

SANCTION

Suspension of, *with provisions*. 1822

STAY ORDER

Pending outcome of judicial review 1834

LABORATORY ANIMAL WELFARE ACT

ANNUAL LICENSE FEES

Failure to pay. 1836, 1839

SUBJECT INDEX OF AGRICULTURE DECISIONS

DECEMBER 1976

Page

AGRICULTURAL MARKETING AGREEMENT ACT, 1937

DISMISSAL

Order of 1821

ORDER

Terminating proceeding. 1820

ORDER PROVISIONS

Properly applied. 1812

PETITION FOR RELIEF

Dismissal of 1812

PRODUCER-HANDLER

Loss of status as. 1812

TERMINATION OF PROCEEDING

Order for 1820

FEDERAL MEAT INSPECTION ACT

BINDING NEGOTIATIONS

Where mutual assent was expressed orally to settle the litigation, the negotiations with respect thereto then became binding. 1822

CONSENT SETTLEMENT

Agreement on is not conditional and may not be overturned 1822

INSPECTION SERVICE

Withdrawal of, *with provisions* 1822

SANCTION

Suspension of, *with provisions*. 1822

STAY ORDER

Pending outcome of judicial review 1834

LABORATORY ANIMAL WELFARE ACT

ANNUAL LICENSE FEES

Failure to pay. 1836, 1839

ANNUAL REPORTS

Failure to file 1836, 1839

RECORDS

Failure to maintain 1836

SANCTION

Suspension until in full compliance with provisions of the Act and the regulations — Consent 1839

PACKERS AND STOCKYARDS ACT, 1921

ACCOUNTING

On other than actual carcass weights 1876

ACCOUNTS AND RECORDS

Incomplete 1900

AGREEMENT TO DELIVER

Established and fulfilled 1849

ANSWER

Failure to file 1897, 1903

Admission of facts 1897, 1903

BONDING REQUIREMENTS

Failure to comply with 1868

CHECKS OR DRAFTS

Insufficient funds 1849, 1859, 1879, 1903

Failure to accept drafts or to make funds available to pay them 1843

Failure to honor 1871, 1900

CONSENT ORDER — Cease and desist

Accounting 1876

Accounts and records 1900

Checks or drafts 1900

Improper practices 1907

CONSENT ORDER — Sanction

Bonding requirements 1868

Financial requirements 1859

Net proceeds 1859

CONSIGNMENT SALES

Dressed meat from consigned livestock 1865

Net proceeds of 1865

CORPORATE ENTITY

Misuse of 1879

DEALER AND MARKET AGENCY

Failure to register as does not alter the fact of being such as defined in the Act 1849

DEDUCTIONS

Improper

Deducting greater "tare" weights than actual 1876

FINANCIAL REQUIREMENTS

Failure to meet 1859, 1879

FLAGRANT AND REPEATED VIOLATIONS

Failure to pay 1871, 1879

INSOLVENCY

Current liabilities exceeding current assets 1859

IMPROPER PRACTICES

Being guarantor on loans made by bank for purchases of livestock to be sold in commerce 1907

Establishing account for the financing of independent and separately registered dealers 1907

MARKET AGENCY & DEALER

Financing other dealers in violation of the Act 1907

NET PROCEEDS

Failure to remit 1859, 1865

ORDER

Of dismissal 1863, 1864

PACKER

Purchasing livestock, meat & meat food products while insolvent 1843

PURCHASE PRICES

Failure to pay when due 1843, 1900

SANCTION

Suspension until in full compliance with bonding requirements 1868, 1897

Suspension until no longer insolvent 1859

Suspension for 7 days 1903

Suspension for 30 days 1879

TRANSFER OF FUNDS

Causing depletion of funds for dealer and market agency operations 1879

UNIFORM TRANSPORTING EQUIPMENT

Failure to use when weighing carcasses of same species for payment purposes 1876

UNJUST PRACTICE

Failure to pay 1849

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

ACCEPTANCE

By failure to reject and by unloading 1913

ADJUSTMENTS OR ALLOWANCES

Reduction due to condition defects 1931

AGREED PURCHASE PRICES

Failure to pay promptly and in full 1935, 1938, 1940, 1944

ADDITIONAL DAMAGES

Claim for denied 1931

AUTHORITY

Of broker 1947

Limitation of 1947

BROKER

Authority of 1935, 1940
Payment to does not absolve liability of purchaser to shipper 1947
Violations by, in collecting and failing to remit 1935

BURDEN OF PROOF

Failure to sustain 1927

CONTRACTS

Purchase and sale
Change of to consignments without authority to do so 1940
Failure to prove modification of 1927

CONTRACT TERMS

Freedom from ripeness, apples for export 1913

CONTRACT PRICE

Reduction of 1931

CONDITION DEFECTS

Adjustment for 1931
Bacterial soft rot, head leaves, lettuce 1952

CONSIGNMENT AGREEMENT

Validity of 1952

DAMAGES

Measure of 1913, 1918

DELAY IN TRANSIT

Not caused by shipper 1923
Risk of loss must be borne by purchaser 1923

EVIDENCE

Insufficiency of 1913, 1927

EXPRESS WARRANTY

Breach of 1913,1931

FLAGRANT AND REPEATED VIOLATIONS

Failure to pay 1938, 1944

GOOD DELIVERY STANDARDS

Not applicable 1923

GROSS PROCEEDS OF SALE

Determined to be value of goods accepted 1918

JOINT ACCOUNT TRANSACTIONS

Failure to account truly and correctly to joint account partner 1940

INSPECTION CERTIFICATES

Specific reading of 1913

MISREPRESENTATION

Failure to prove 1952

NET PROCEEDS

Collecting and failing to remit to principals 1940

PUBLICATION OF FACTS

Wilful, flagrant and repeated violations 1935, 1940

RECEIPT OF GOODS

Failure to prove 1927

RECONSIDERATION

Order on 1946

RESALE

Prompt and proper 1918, 1923

SANCTION

Revocation of license 1938, 1944

SUITABLE SHIPPING CONDITION

Breach of warranty of 1918

Applicability of warranty 1952

TEMPERATURE

Normal, for lettuce 1952

TRANSPORTATION SERVICE AND CONDITIONS

Not normal 1923

CUMULATIVE LIST OF DECISIONS REPORTED

JANUARY - DECEMBER 1976

Page

AGRICULTURAL MARKETING AGREEMENT ACT, 1937

AGRICULTURE DECISIONS

BABCOCK DAIRY COMPANY OF OHIO, THE, *ET AL*, AMA Docket No. M MM-3. Milk marketing orders — challenges to the "past" notice provisions of as to the Class II price — Express authorization by § 8c(5)(A) as to notice provisions — Rulemaking hearings — findings of Asst. Secretary held inconclusive — Administrative practice in rule making functions of the Dept. — *Holding* by the Judicial Officer 431

BABCOCK DAIRY COMPANY OF OHIO, *et al.* AMA Docket No. M MM-3. Order terminating proceeding 1820

CENTRAL CITRUS COMPANY, an Arizona Corporation. AMA Docket No. F&V 907-3. Order denying respondent's request for modification of Decision and Order 1

HALPER, HERBERT and NORMAN, d/b/a CORNELL DAIRY FARMS, AMA Docket No. M 2-57. Order of dismissal 1821

HOGGAN, J. REID, d/b/a SANDAROSA ENTERPRISES. AMA Docket No. M 136-7. Producer- handler status — loss of — Application of Order provisions properly applied — Petition dismissed. 1812

MOUNTAIN EMPIRE MILK COMPANY. AMA Docket No. M. 136-8. Order granting motion to withdraw petition 84

PENN-VALLEY FARMS, INC. AMA Docket No. M 4-14. Provisions of Order No. 4 — skim milk in a fluid milk product — Classification and pricing structure — Assessments — Statutory construction — legislative authority of the Secretary — Secretary's actions — in accordance with law — Dismissal 61

VINE CITY DAIRY, INC. AMA Docket No. M 36-5. Order No. 36 — pooling and pricing provisions — Monetary assessments — challenges to — Milk transfers — distributing plant — pool plant — Burden of proof — failure to sustain — Dismissal 1335

SCHEPP'S DAIRY, INC. AMA Docket No. M 126-3. Milk Marketing Order No. 126 — Location adjustment provisions — claims of illegality of found to be without merit — Current marketing period — definition of — Request for relief denied — Petition dismissed 1477

Agricultural Marketing Agreement Act, 1937—Cont.

Page

COURT DECISIONS

BORDEN, INC. *v.* EARL L. BUTZ, Secretary of Agriculture. USDC DND IL. Upholding the Secretary's decision in 33 AD 998 1503

BORDEN, INC. *v.* EARL L. BUTZ, Secretary of Agriculture, 7th Cir. Appeal from DCND IL. Reversing Secretary's decision in 33 AD 998 1703

MARKETING ASSISTANCE PROGRAM, ET AL. *v.* EARL L. BUTZ, ET AL. USDC DC. Denying plaintiff's motion for preliminary injunction, and ordering status hearing 1507

FEDERAL MEAT INSPECTION ACT

AGRICULTURE DECISIONS

INDIANA SLAUGHTERING CO., INC. FMIA Docket No. 3. Consent settlement — agreement on is not conditional — Settlement agreement — enforcement of — Sanction, with *provisions* 1822

INDIANA SLAUGHTERING CO. INC. FMIA Docket No. 3. Stay order — pending outcome of judicial review proceedings 1834

NATIONAL ROYAL BEEF CORPORATION, a/k/a NATIONAL BEEF CORPORATION. FMIA Docket No. 8. Consent order 447

GRAIN STANDARDS ACT

GREATER BATON ROUGE PORT COMMISSION. GSL Docket No. 12. Dismissal on request of parties 1835

MATHERNE, LAWRENCE J., JR. GSL Docket No. 15. Dismissal — settlement agreement 1835

STROMAN, FRANK. GSL Docket No. 14. Order of dismissal — settlement agreement 1346

HORSE PROTECTION ACT

AGRICULTURE DECISIONS

ALLEN, HUGH E. HPA Docket No. 34. Soring — Constituting cruel and inhumane treatment of horses — Sanction 527

Horse Protection Act—Cont.

Agriculture Decisions—Cont. Page

ALSTON, J. G. and DOODIE POWER. HPA Docket No. 5. Movement in commerce — failure to establish — Dismissal as to *J. G. Alston* 648

CROWDER, DUDE. HPA Docket No. 49. Consent order — Sanction 367

DAVIS, DR. JOE. HPA Docket No. 15. Soring — Failure to prove — Request for relief denied complainant. 538

FREE, M. B. HPA Docket No. 13. Soring — constituting cruel and inhumane treatment — Unfair competition — competing sored horse with unsored horses — Economic impact — adverse — Sanction 185

GROOVER, WINK. HPA Docket No. 28. Evidence of soring — established — Exceptional circumstances — absence of — Prehearing stipulation — controlling and conclusive — Sanction 1519

HOLCOMB, A.S. HPA Docket No. 18. Exhibiting sored horse — Sanction 1165

HOLCOMB, A.S. HPA Docket No. 18. Petition for Reconsideration — denial of 1347

LANDRUM, J.W. HPA Docket No. 38. Consent order — Sanction 365

LUNA, WAYNE. HPA Docket No. 10. Soring — constituting cruel and inhumane treatment — Sanction 645

WALL, RICHARD. HPA Docket No. 44. Reduction of penalty — erroneous — absence of mitigating circumstances — Sanctions — Department's policy on — Full civil penalty assessed 1516

WHALEY, EDWARD. HPA Docket No. 25. Evidence of soring — established — Exceptional circumstances — absence of — prehearing stipulation — controlling and conclusive — Sanction 1519

WHITEHEAD, PAUL. HPA Docket No. 45. Civil penalty — Consent. 1513

SOUTHERN, CLYDE C. HPA Docket No. 53. Consent order — Sanction 536

Agriculture Decisions—Cont. Page

INSPECTION AND GRADING ACT

CALIFORNIA MEAT CO., INC. I&G Docket No. 53. Consent order — Sanction 190

EASY EGG CORPORATION. I&G Docket No. 52. Plant premises, facilities and equipment — state of repair and sanitary conditions — Regulations — failure to comply with — Sanction 651

GLOVER, MORRIS H., d/b/a GLOVER'S FARMS. I&G Docket No. 57. Inspection certificates — false — Unlawful interference — with Federal — State inspector in the issuance of inspection certificates — Sanction 1715

JOHN MORRELL & COMPANY. I&G Docket No. 56. Consent order — Sanction 654

NATIONAL BEEF PACKING COMPANY. I&G Docket No. 59. Consent Order — Sanction 1350

WATERS AND LITCHFIELD, INC. I&G Docket No. 54. Consent order — Sanction 542

LABORATORY ANIMAL WELFARE ACT

BADER, MRS. EARL. LAWA Docket No. 60. Consent order — Sanction 544

BECK, VICTOR. LAWA Docket No. 51. Consent order — Sanction 86

BROWN, DOROTHEA E. LAWA Docket No. 72. Consent order 1836

CAMERON, DR. HARLOW J. LAWA Docket No. 66. Consent order — Sanction 656

CHRIST, HENRY. LAWA Docket No. 24. Primary enclosures — construction of — transportation standards for — Regulations and standards — failure to comply with — Records — failure to make and to maintain — Sanction 195

CITY OF AKRON, OHIO, PARKS AND RECREATION BUREAU. LAWA Docket No. 59, Consent order — Sanction 369

DEBOER, MRS. JOHN M. LAWA Docket No. 35. Records — incomplete — Premises — disrepair and uncleanliness of Inspection — failure to permit — Housing facilities — disease and injury hazards of — Inspection Reports — disparity contentions 464

Laboratory Animal Welfare Act—Cont.

Agriculture Decisions—Cont. Page

Mistaken action by public official — estoppel not a bar to disciplinary proceeding before time allowed by such official for corrections. 464

Statutory requirements — careless disregard for — Lack of intent contentions — irrevelancy of 464

Wilful violations — Sanction 464

DEBOER, MRS. JOHN M. LAWA Docket No. 36. Termination of suspension — *Supplemental order* 1729

FOWLER, DONNA. LAWA Docket No. 52. Consent order — Sanction 452

FOWLER, DONNA. LAWA Docket No. 52. Termination of suspension in supplemental order 1184

HAMPTON, WILLIAM. LAWA Docket No. 27. Consent order 192

HIXENBAUGH, BESSIE. LAWA Docket No. 68. Consent order 658

HIXENBAUGH, BESSIE. LAWA Docket No. 68. Termination of suspension in supplemental order 1184

LEE-DON KENNELS, INC. LAWA Docket No. 55. Consent order — Sanction 474

LIKAR, IVAN N. LAWA Docket No. 40. Corporate entity — absence of abuse of — piercing of the corporate veil not warranted — Corporate licensee — not a party to proceeding — Jurisdiction — absence of as to individual respondent — Dismissal 457

LIKAR, IVAN N. LAWA Docket No. 40. Corporate veil — piercing of not permissible — Jurisdiction — absence of — Dismissal 1175

MAUCH, LOUISE. LAWA Docket No. 53. Consent order — Sanction 450

RADZILOWSKI, EDWARD. LAWA Docket No. 47. Regulations and standards — failure to comply with — Premises — failure to keep in conformity with regulations and standards — Sanction 1718

RESER, DONALD E. LAWA Docket No. 48. Consent order 5

Laboratory Animal Welfare Act—Cont.

Agriculture Decisions—Cont. Page

STARK, KENNETH B. LAWA Docket No. 57. Annual license fees — failure to pay — Annual reports — failure to file — Sanction 1181

UNIVERSAL PET AND SUPPLIES, INC. and WARREN HEYNE. Consent order — Denial of application of individual respondent 89

Revocation of license of the corporate respondent 89

WILLIAMS, HANK. LAWA Docket No. 70, Consent order 1839

WOOD, MRS. J. C. LAWA Docket No. 50. Identification of animals — failure to supply, or to complete — Primary enclosures — failure to construct in accordance with regulations — Required accompanying form — failure to send with shipment — incomplete — Sanction 1353

PACKERS AND STOCKYARDS ACT, 1921

AGRICULTURE DECISIONS

ADAMS, WAYNE. P&S Docket No. 5234. Consent order 1201

ADKINS, RUBY. P&S Docket No. 5178. Consent order — Sanction 134

AGRI-LINK, INC. *v.* J. D. SHULTZ. et al. P&S Docket No. 5101. Order of dismissal 557

AGRI-LINK, INC. *v.* J. D. SHULTZ, ALBERT BRAWAND, MILAN H. BEVER and JAMES HA MON. P&S Docket No. 5101. Order on petition to rehear and reargue and to reconsider 1401

AMERICAN BEEF PACKERS, INC. and BEEFLAND INTERNATIONAL, INC. P&S Docket No. 5086. Consent order of *American Beef Packers, Inc.* 1545

AMERICAN BEEF PACKERS, INC. and BEEFLAND INTERNATIONAL, INC. P&S Docket No. 5086. Consent order of *Beefland International, Inc.* 1549

AMOSS, HAMILTON, JR. P&S Docket No. 5196. Consent order — Sanction 106

ANTLERS LIVESTOCK AUCTION, INC. P&S Docket No. 5272. Accounts and records — incomplete or incorrect — Answer, failure to file — admission of facts — Custodial accounts or shippers proceeds — deficiencies in — failure to maintain in conformity with regulations —

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

improper practices — permitting employee to purchase consigned livestock for his own speculative purposes — Sanction 1747

ARZT, KENNETH W. P&S Docket No. 5306. Consent order — Sanction 1403

BAKER, FRANK J. and EARL STURGEON. P&S Docket No. 5156. Consent order — Sanction. 675

BALTIC CORPORATION. P&S Docket No. 5269. Checks or drafts — insufficient funds — Failure to pay when due. 1203

BALL, F. D., a/k/a DON BALL. P&S Docket No. 5194. Bonding requirements — failure to comply with. 483

BEEDE, WAYNE E. *v.* ROBERT WASSANAAR, d/b/a NORTHWEST CALF FARM. P&S Docket No. 5263. Dismissal — settlement between parties 1762

BEEMAN, HUGH. P&S Docket No. 5270. Consent order 1573

BOBO, RICKEY. P&S Docket No. 5317. Answer — failure to file — admission of facts — Bonding requirements — failure to comply with — Sanction 1897

BREGMAN, JOSEPH. P&S Docket No. 5262. Consent order 1900

BREITSPRECHER, LEE. P&S Docket No. 5121. Modification of suspension in *supplemental order* 501

BRYAN PACKING COMPANY, INC. P&S Docket No. 5176. Consent order 140

BURLEY COMMISSION YARDS, INC. and JIM PALEN. P&S Docket No. 5295. Consent order — Sanction 1376

CALIFF, CHARLTON. P&S Docket No. 5247. Consent order 256

CANNEY, JOHN C. P&S Docket No. 5189. Consent order 376

CARTER, NATHAN. P&S Docket No. 5224. Consent order 478

CHANDLER, ROGER. P&S Docket No. 5188. Consent order — Sanction 217

CHAPPARRAL CATTLE FEEDERS, INC. *v.* DONLEY COUNTY FEED LOT, INC. P&S Docket No. 5081; JOHN DAHL *v.* DONLEY COUNTY FEED LOT, INC. P&S Docket No. 5083. Dismissal — on authorization of complainants 1233

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

CHRISTENSEN, OTHELLO. P&S Docket No. 5233. Checks — insufficient funds — Failure to pay promptly and in full — Sanction 697

COAST PACKING COMPANY. P&S Docket No. 5254. Failure to file answer — admission of facts — Accounts and records — incomplete or incorrect — Accounting — to sellers on the basis of false and incorrect weights — Checks or drafts — insufficient funds — Failure to pay when due — False and incorrect weights — paying on the basis of — made a part of accounts and records — Bankruptcy proceeding — not a ground for dismissal — order to cease and desist 1388

COEUR d'ALENE LIVESTOCK, INC. and ROGER AGTE. P&S Docket No. 5348. Consent order 1733

COIT, RAYMOND H., d/b/a INTERSTATE LIVESTOCK COMMISSION COMPANY and INTERSTATE ORDER BUYING CO., INC. P&S Docket No. 5281. Consent order 551

CRAIN, MORRIS. P&S Docket No. 5239. Consent order 263

CUTHBERT, JAMES, d/b/a CUTHBERT CATTLE CCOMPANY *v.* URBAN HICKERT. P&S Docket No. 4922; URBAN HICKERT *v.* BOB S. EMMICK, d/b/a EMMICK CATTLE COMPANY, and JAMES CUTHBERT, d/b/a CUTHBERT CATTLE COMPANY. P&S Docket No. 4927; URBAN HICKERT *v.* BOB S. EMMICK. P&S Docket No. 4930. Unjust practice — failure to accept delivery and failure to pay — Inspection — untimely — Rejection — untimely — Reparation 222

Counterclaim — alleged misrepresentation — failure to prove — Dismissal. 222

Contract — absence of — Firm agreement not established — Dismissal 222

DE JONG PACKING COMPANY, et al. P&S Docket No. 5087. Consent order (McRae Packing) 1188

DE JONG PACKING COMPANY, et al. P&S Docket No. 5087. Consent order — (Kratzig) 1186

DEAS, THURMAN. P&S Docket No. 5225. Consent order 110

DIETRICH, JOHNNY. P&S Docket No. 5271. Consent order 568

DIXIE STOCK YARD, INC. Meridian, Mississippi. P&S Docket No. 5049. Dismissal on motion of complainant 1761

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

DOBLER, WILLIAM D. *v.* NED MARYOTT and PRODUCERS COMMISSION ASSOCIATION. P&S Docket No. 5158. Dismissal — settlement between parties 17

DONALDSON, RAYMOND. P&S Docket No. 5210. Consent order — Sanction 711

DURFLINGER, GEORGE O., JR. P&S Docket No. 5253. Bonding requirements — failure to comply with 700

EADY, L. B. P&S Docket No. 5184. Consent order — Sanction 8

EDGELEY LIVESTOCK SALES, INC. P&S Docket No. 5076. Order dismissing complaint on motion of complainant 1627

EUREKA LIVESTOCK SALES, INC. P&S Docket No. 5155. Order dismissing complaint 548

EVANS, BILLIE and JACKY W. RENEW, d/b/a COW PALACE COMMISSION COMPANY. P&S Docket No. 5211. Dismissal — on motion of complainant 1627

FABER, FRANCIS *v.* CLIFFORD NOLAN. P&S Docket No. 5058. Agreement to deliver — established and fulfilled — Insufficient funds checks — Unjust practice — failure to pay — Reparation awarded 1849

FADUSKI, THOMAS. SR. P&S Docket No. 5278. Answer — failure to file — admission of facts — Failure to pay when due — wilful violations of the Act and regulations 1424

FALLS, GARNETT R. P&S Docket No. 5232. Consent order — Sanction 1366

FARMER, ALVIN L. *v.* PRODUCERS AND TEXAS LIVESTOCK MARKETING ASSOCIATION and THE KANSAS CITY STOCK YARDS CO. P&S Docket No. 5069. Slaughter of injured animal — action by respondents not unjust or unreasonable — Dismissal 372

FLORIDA BEEF PRODUCERS, INC. and RONNIE L. GOLDEN. Consent order — Sanction 576

FOSTER FROSTY FOODS, INC. P&S Docket No. 5299. Consent order 1198

FRANK, CHARLES E. and RONALD R. MARRIOTT, d/b/a CATTLE PALACE AUCTION *v.* TOM FOSTER, et al. Failure to file Answer — admission of facts by respondent Reuscher — Worthless checks — Consignment of animals sold

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

and not previously paid for — Security interest — reservation of by sellers — Failure to pay — knowledge of — Good faith purchasers — failure to prove — proceeds of sale — wrongful withholding of — Reparation against all respondents 1575

Worthless checks — difference between net proceeds and worthless checks issued by Reuscher — Reparation for against respondent Reuscher. 1575

Total reparation complainants entitled to. 1575

GAVIN, JAMES and SHIRLEY GRIFFIN. P&S Docket No. 5195. Consent order 137

GILES LOWERY STOCKYARDS, INC., d/b/a LUFKIN LIVESTOCK EXCHANGE. P&S Docket No. 4782. Ratemaking procedure — challenges to — Ratemaking principles — applicable to auction stockyards — Respondent's challenges found to be without merit. 267

Rates and charges — of respondent — found to be unjust and unreasonable — Proposed rates and charges — of complainant — found just, reasonable and non-discriminatory — Proposed Tariff IV — adoption of 267

Base period — analysis of 267

Owner's compensation — formula for 267

Allowances — in lieu of actual expenses — four categories 267

Accounts and records — incomplete or incorrect — failure to comply with order to properly keep 267

GILES LOWERY STOCKYARDS, INC, d/b/a LUFKIN LIVESTOCK EXCHANGE. P&S Docket No. 4782. Stay order — pending judicial review. 501

GILES LOWERY STOCKYARDS, INC. d/b/a BAY CITY LIVESTOCK COMMISSION COMPANY, BAY CITY, TEXAS, a corporation. P&S Docket No. 4923. Dismissal — on motion of complainant 1761

GILES LOWERY STOCKYARDS, INC., d/b/a LUFKIN LIVESTOCK EXCHANGE, LUFKIN, TEXAS. P&S Docket No. 5192. Dismissal — on motion of complainant pending outcome of appeal 1761

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

GODECKE, ROY and WELTON NEDDENREIP *v.* ROBERT E. PELLANDINI and ALBERT PELLANDINI CATTLE CO. P&S Docket No. 4985. Agreed purchase prices — failure to pay in full — Burden of proof — failure to sustain — Reparation 394

GOETHALS, GEORGE M. P&S Docket No. 5181. Consent order 702

GOODING LIVESTOCK COMMISSION CO., INC., W. D. WISEMAN, and MELVIN WISEMAN. P&S Docket No. 5296. Consent order 1758

GOSHEN COMMUNITY AUCTION, INC. P&S Docket No. 5297. Consent order — Sanction 1407

GOSHEN COMMUNITY AUCTION, INC. P&S Docket No. 5297. Supplemental order terminating suspension 1628

GRADY STOCKYARDS, INC. P&S Docket No. 5190. Bonding requirements — failure to comply with — Sanction 209

GRIFFITH, ROBERT S., d/b/a HEREFORD BEEF PACKERS. P&S Docket No. 5215. Consent order 126

GRIFFIN, BRUCE, JR. P&S Docket No. 5314. Consent order 1755

HALL, WILLARD R. P&S Docket No. 5241. Order of dismissal 399

HARMON, JAMES T., d/b/a HARMON CATTLE CO. P&S Docket No. 5291. Consent order — Sanction 570

HARMON, JAMES T., d/b/a HARMON CATTLE COMPANY. P&S Docket No. 5291. Supplemental order terminating suspension 1628

HAUCK, ADAM. P&S Docket No. 5180. Consent order — Sanction 96

HIGHLAND MEAT PACKING CO., INC. and BERNARD FINEMAN. P&S Docket No. 5282. Consent order 582

HINES, TOMMY J. and BOBBY T. TINDEL. P&S Docket No. 4959. Livestock purchases — as agent for undisclosed principal — Unfair and deceptive practices — purchasing consigned livestock for speculative purposes by owner and officer of the market agency to which the livestock were consigned 113

HODGE, TOM. P&S Docket No. 5068. Supplemental order terminating suspension 18

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

HORMAN MEAT COMPANY, d/b/a MACON BEEF PACKERS, INC. P&S Docket No. 5362. Consent order 1871

HOTH, JOHN E. P&S Docket No. 5026. Consent order — Sanction 572

HYGRADE FOOD PRODUCTS CORP. P&S Docket No. 5010. Contract — supplemented by terms of trade custom — Contract terms — complied with as supplemented — Dismissal 129

J. TROY WOODWARD, INC. and J. TROY WOODWARD. P&S Docket No. 5213. Consent order 378

JOY, DOUGLAS and JESSE K. BAZEN, JR. P&S Docket No. 5358. Consent order 1751

KNS LIVESTOCK & FEED CO. P&S Docket No. 5344. Consent order — Sanction 1859

KARNES CITY LIVESTOCK COMPANY, INC. P&S Docket No. 5020. Consent order 704

KAUT, CALVIN C. P&S Docket No. 5303. Consent order 1189

KECK, GEORGE, JR. *v.* THE NATIONAL FARMERS ORGANIZATION, INC. P&S Docket No. 4966. Agent — scope of duties — Amounts received — treated as commission — Burden of proof — failure to sustain — Commissions — nonentitlement to — Repayment ordered 1206

KIEHL, ARLOW. P&S Docket No. 5294. Answer — failure to file — admission of facts — Checks or drafts — insufficient funds — Failure to pay when due 1593

KIRSKEY, RICHARD E. and BONNIE F. KIRSKEY *v.* CALVIN D. WILKERSON and WAYNE ENGLEDOW. d/b/a OZARK COMMISSION COMPANY. P&S Docket No. 5077. Order of dismissal 1863

KOPACZ, FRED S. P&S Docket No. 5051. Accounts and records — incomplete or incorrect — Purchase price — failure to pay when due — Insolvency — Sanction 605

L&B MEAT CO., INC., a Corporation, d/b/a JOHNSON MEAT COMPANY, and WALTER BRADY, an Individual. P&S Docket No. 5337. Consent order 1865

LAKE, LEO. P&S Docket No. 5255. Consent order 249

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

LAY PACKING COMPANY, INC. P&S Docket No. 5357. Consent order 1602

LEE FARMERS LIVESTOCK MARKET, INC. P&S Docket No. 5273. Consent order 1398

LEESE, BILLY. P&S Docket No. 5078. Consent order 1907

LENNY BELL MEAT PACKING CO., INC. P&S Docket No. 5229. Consent order 485

LEONARD, DON. P&S Docket No. 5264. Answer — failure to file — admission of facts — Accounts and records — incomplete or incorrect — Financial requirements — failure to meet — Checks or drafts — insufficient funds — Failure to pay when due — Sanction 1393

LIVESTOCK MARKETERS, INC. and PAULK AND BATTEN LIVESTOCK COMPANY, INC. P&S Docket No. 5141. Accounting on the basis of false and incorrect weights — Corporate separateness — negation of by business transactions between the two corporations — Scales — failure to operate in conformity with the regulations — Scale tickets — failure to issue — failure to prepare properly — Sanction 1552

LIVESTOCK MARKETERS, INC. and PAULK AND BATTEN LIVESTOCK COMPANY, INC. P&S Docket No. 5141. Order denying motion for rehearing and changing effective date of suspension order 1731

LIVESTOCK MARKETERS, INC. and PAULK AND BATTEN LIVESTOCK COMPANY, INC. P&S Docket No. 5141. Stay order — pending outcome of appeal to court. 1761

LONDON FARMERS LIVESTOCK MARKET, INC. and LEE WILLIAMS, a/k/a ELMER L. WILLIAMS. P&S Docket No. 5301. Consent order — Sanction 1540

LORETZ, ERIC, d/b/a CATTLEMEN'S LIVESTOCK MARKET *v.* TOM FOSTER, ET. AL. P&S Docket No. 5001. Failure to file answer (Reuscher) — admission of facts — Worthless checks — Consignment of animals sold and not previously paid for — Defrauded seller — rights of — Failure to pay — knowledge of — Good faith purchasers — failure to prove — Proceeds of sale — wrongful withholding of — Reparation against all respondents 1584

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

Worthless checks — difference between net proceeds and worthless checks issued by respondent Reuscher in purported payment — Reparation against Reuscher. 1584

Total reparation complainant entitled to 1584

McCoy, L. T. and Bill R. Martin. P&S Docket No. 5280. Answer — failure to file — admission of facts — Insufficient funds checks — Failure to pay promptly and in full — Sanction 1903

Madison Livestock Market, Inc. P&S Docket No. 5293. Consent order — Sanction. 1414

Madras Auction Yard, Inc. The. P&S Docket No. 5245, Consent order 480

Malone, Patrick D. P&S Docket No. 52759. Consent order — Sanction 665

Manchester, William J. P&S Docket No. 5214. Consent order — Sanction 548

Mansfield Livestock Commission Company. P&S Docket No. 5204. Consent order 251

Marker, W. A. P&S Docket No. 2991. Supplemental order terminating suspension. 1426

Maxey, Dennis. P&S Docket No. 5193. Bonding requirements — failure to comply with 1222

Menchhofer, Lyle. P&S Docket No. 5244. Consent order — Sanction 689

Mid-South Order Buyers, Inc. *v.* Tige Enterprises, Inc., Gary Berta, and Platte Valley Livestock, Inc. P&S Docket No. 4827. Order on reconsideration 232

Lenny Bell Meat Packing Co., Inc. P&S Docket No. 5229. Consent order 485

Leonard, Don. P&S Docket No. 5264. Answer — failure to file — admission of facts — Accounts and records — incomplete or incorrect — Financial requirements — failure to meet — Checks or drafts — insufficient funds — Failure to pay when due — Sanction 1393

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

LIVESTOCK MARKETERS, INC. and PAULK AND BATTEN LIVESTOCK COMPANY, INC. P&S Docket No. 5141. Accounting on the basis of false and incorrect weights — Corporate separateness — negation of by business transactions between the two corporations — Scales — failure to operate in conformity with the regulations — Scale tickets — failure to issue — failure to prepare properly — Sanction 1552

LIVESTOCK MARKETERS, INC. and PAULK AND BATTEN LIVESTOCK COMPANY, INC. P&S Docket No. 5141. Order denying motion for rehearing and changing effective date of suspension order 1731

LIVESTOCK MARKETERS, INC. and PAULK AND BATTEN LIVESTOCK COMPANY, INC. P&S Docket No. 5141. Stay order — pending outcome of appeal to court 1761

LONDON FARMERS LIVESTOCK MARKET, INC. and LEE WILLIAMS, a/k/a ELMER L. WILLIAMS. P&S Docket No. 5301. Consent order — Sanction. 1540

LORETZ, ERIC, d/b/a CATTLEMEN'S LIVESTOCK MARKET *v.* TOM FOSTER, ET AL. P&S Docket No. 5001. Failure to file answer (Reuscher) — admission of facts — Worthless checks — Consignment of animals sold and not previously paid for — Defrauded seller — rights of — Failure to pay — knowledge of — Good faith purchasers — failure to prove — Proceeds of sale — wrongful withholding of — Reparation against all respondents 1584

Worthless checks — difference between net proceeds and worthless checks issued by respondent Reuscher in purported payment — Reparation against Reuscher. 1584

Total reparation complainant entitled to 1584

MID-STATES LIVESTOCK, INC., a CORPORATION, DALE E. VANWYK, and GORDON REISINGER, INDIVIDUALS. P&S Docket No. 4906. Checks or drafts — insufficient funds — failure to accept, or to make funds available to pay, drafts for payment of livestock purchases — Wilful, flagrant and repeated violations — failure to pay promptly and in full — Sanction 1879

MILLS, RAYMOND P., JR. P&S Docket No. 5316. Consent order — Sanction 1369

MINCH'S WHOLESALE MEATS, INC., ROBERT MINCH, and MESSINA MEAT PRODUCTS, INC. P&S Docket No. 5221. Consent order of *Messina Meat Products, Inc.* 1843

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

MOORE, C. H. and SYDNEY MOORE, d/b/a C. H. MOORE & SON *v.* COLUMBUS JUNCTION LIVESTOCK MARKET, INC. P&S Docket No. 5175. Order of continuance 601

MOREMAN, JACK. P&S Docket No. 5302. Consent order 1195

MOULTON STOCKYARD, INC. and LYLE W. OWENS. P&S Docket No. 5135. Consent order 98

MULSO, DAVID. P&S Docket No. 5187. Consent order — Sanction 103

MYERS, HOWARD R. P&S Docket No. 5218. Answer — failure to file — constituting admission of facts — Bonding requirements — failure to comply with — Sanction 498

NAISTADT, GERALD A. ET AL. P&S Docket No. 5298. Consent order — Sanction 1421

NASHVILLE UNION STOCK YARDS, INC. P&S Docket No. 291. Order of dismissal. 112

OVERLAND STOCKYARDS, INC. and PETE BELEZZUOLI. P&S Docket No. 4883. Order denying petition to reconsider 12

OVERLAND STOCKYARDS, a Corporation. P&S Docket No. 5370. Consent order — Sanction. 1628

OVERLAND STOCKYARDS, a corporation. P&S Docket No. 5370. Termination of suspension in *supplemental order*. 1762

PARRISH, BILLY D. P&S Docket No. 5261. Consent order — Sanction 565

PARSONS, HUBERT and EDDIE PARSONS. P&S Docket No. 5223. Consent order 385

PAYNTER, ROGER *v.* BRUSH LIVESTOCK COMMISSION CO. and GENE GONNERING LIVESTOCK, INC. P&S Docket No. 5149. Dismissal — settlement between parties. 1762

PIEPMEIER, DALE W. *v.* DIXON LIVESTOCK COMMISSION COMPANY and KANSAS CITY STOCK YARDS COMPANY. P&S Docket No. 5005. Order of dismissal. 265

R & D INVESTMENTS, INC., d/b/a EDWARDS BROS. PACKING CO. P&S Docket No. 5208. Express payment agreement — absence of — Unfair and deceptive practices — failure to pay promptly and in full 493

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

RICE, BILL and LOIS RICE, d/b/a CLEBURNE COUNTY LIVESTOCK AUCTION *v.* CLENIS WILCOX and BILL DAVIS, d/b/a DAVIS LIVESTOCK AUCTION. P&S Docket No. 4926. Order on reconsideration 212

RICHARDS, BURT STEWARD. P&S Docket No. 5246. Bonding requirements — failure to comply with. 487

RICHFIELD AUCTION CO., INC. and EUGENE KING. P&S Docket No. 5238. Consent order — Sanction 680

REES, C. A., d/b/a COLORADO CITY LIVESTOCK AUCTION. P&S Docket No. 5209. Consent order 253

ROMRELL, DEMAR *v.* CALVIN C. DREDGE. P&S Docket No. 4948. Contract — alleged rescission of — Burden of proof — failure to sustain — Contract prices — failure to pay in full — Reparation 387

RUSSELL, LEON and TRUMAN COFFEE. P&S Docket No. 5177. Consent order 382

SANDERS, DELMAS D. P&S Docket No. 5179. Consent order — Sanction 143

SCHNEIDER PACKING COMPANY. P&S Docket No. 5170. Consent order 392

SCOTT, C. C., L. L. JACKSON, CHARLES YOUNGER, TRIANGLE STOCKYARD, INC., and HAMILTON STOCKYARD, INC. P&S Docket No. 5256. Consent order — Sanction. 242

SESSUMS, RAY. P&S Docket No. 5304. Consent order — Sanction 1868

SHAW, THOMAS. P&S Docket No. 5220. Consent order. 220

SIMCO, C. L. P&S Docket No. 5203. Consent order — Sanction 1227

SINCLAIR CATTLE CO., INC. *v.* J. & D. CATTLE CO., INC. P&S Docket No. 5236. Order of continuance 492

SMITH, JERRY DON. P&S Docket No. 5129. Dismissal — on motion of complainant 1628

SOLHEIM, JAMES *v.* RAYMOND DOYEN. P&S Docket No. 5128. Misrepresentation — sale by — Damages — measure of — Unjust practice — selling by misrepresentation — Reparation awarded 1741

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

SOUTH BOSTON LIVESTOCK MARKET, INC. P&S Docket No. 5207. Consent order — Sanction. 1381

STEMAN, LEONARD B. P&S Docket No. 5083. Termination of suspension 1233

STEPHENS, BOB. P&S Docket No. 5308. Consent order — Sanction 1372

STERLING COLORADO BEEF CO., LEBSACK FEED YARDS, *et al.* P&S Docket No. 5201. Consent order as to *Don Lebsack, John Lebsack,* and *Lebsack Feed Yards* 258

STERLING COLORADO BEEF CO., a Corporation, and CERES LAND CO., a Corporation [Ceres, Inc.]. P&S Docket No. 5201. Ruling on Certified Questions 1599

STOCKGROWERS COMMISSION CON and GENE LARSEN. P&S Docket No. 5097. Consent order — Sanction. 708

SWIFT & COMPANY. P&S Docket No. 5385. Consent order 1876

TEDLOCK CATTLE CO., INC. a Corporation, ROBERT E. TEDLOCK, an Individual, and GRANT L. ANDAHL, an Individual. P&S Docket No. 5060. Consent order — *Robert E. Tedlock* and *Grant L. Andahl* 1533

TERRELL LIVESTOCK COMMISSION, INC. P&S Docket No. 5240. Consent order — Sanction. 586

THOMAS, THEO, d/b/a THEO THOMAS AND SON. P&S Docket No. 5230. Consent order — Sanction. 206

THOMAS, HARRY. P&S Docket No. 5267. Consent order 490

THOMPSON, D. B. *v.* INTERSTATE LIVESTOCK MARKET, INC. P&S Docket No. 5311. Order of default 1191

TINDELL, BOBBY T. P&S Docket No. 5290. Failure to file answer — admission of facts — Checks — insufficient funds — Failure to pay promptly and in full — Sanction. 1624

TOWNE, CLARENCE E., d/b/a MORRISVILLE COMMISSION SALES. P&S Docket No. 5212. Consent order — Sanction. 14

TOWNE, CLARENCE E., d/b/a MORRISVILLE COMMISSION SALES. P&S Docket No. 5212. Termination of suspension in *supplemental order* 148

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

TOWNSEND, GEORGE, MRS. J. A. TOWNSEND, and MADISON STOCKYARDS, INC. P&S Docket No. 4858. False and incorrect weights — assessing, collecting and paying on the basis of — Scales — backbalancing of — Scale tickets — False and incorrect — made a part of accounts and records — Sanction 1604

TOWNSEND, GEORGE, MRS. J. A. TOWNSEND, and MADISON STOCKYARDS, INC. P&S Docket No. 4858. Stay order — pending outcome of appeal to court. 1761

TRIOLO BROS., INC. P&S Docket No. 5222. Consent order. 132

VERGO MEAT. P&S Docket No. 5287. Consent order 686

WALLACE, PAUL H. and JOHN W. CHAPPELL. P&S Docket No. 5279. Consent order — Sanction 591

WARD, RONALD C. P&S Docket No. 5199. Accounts and records — failure to properly keep — Checks or drafts — insufficient funds — Insolvency — current liabilities exceeding current assets — Sanction 597

WARREN MEAT PACKING CO., INC. and MIKLOS FLEISCHER. P&S Docket No. 5292. Consent order 1230

WATTS, GEORGE R. P&S Docket No. 5257. Accounts and records — incomplete or incorrect — Checks or drafts — insufficient funds — Failure to pay promptly and in full — Sanction 1218

WAYNESBORO LIVESTOCK YARD, INC. P&S Docket No. 5336. Consent order — Sanction. 1565

WESTMINSTER COMMISSION SALES, INC. P&S Docket No. 5266. Consent order 693

WILLIAMS, FRED L. P&S Docket No. 5152. Dismissal on motion of complainant 1627

WILLIAMS, MURLEEN. P&S Docket No. 5285. Bonding requirements — failure to comply with — Checks or drafts — insufficient funds — failure to pay promptly and in full — Sanction 1736

WISHON, MIKE and DON R. ASH. P&S Docket No. 5268. Consent order — Sanction. 601

WOLFF, FRED E. P&S Docket No. 5259. Bonding requirements — failure to comply with — Sanction 1224

Packers and Stockyards Act, 1921—Cont.

Agriculture Decisions—Cont. Page

YOUNG, WILBUR L. *v.* KANSAS CITY LIVESTOCK COMPANY, INC. P&S Docket No. 5043. Order of dismissal. 1864

ZWEIGART PACKING CORPORATION. P&S Docket No. 5186. Consent order — Sanction. 145

COURT DECISIONS

ARNOLD LIVESTOCK SALES COMPANY *v.* W. B. PEARSON, SR. and NORTHWESTERN NATIONAL INSURANCE COMPANY. DCDNB. Judgment for plaintiff 1242

CENTRAL COAST MEATS, INC. et al. *v.* U. S. DEPT. OF AGRICULTURE 9th Cir. Reversing decision in 33 A.D. 117 1234

CENTRAL NEBRASKA COMMISSION CO. *v.* W. B. PEARSON, SR. and Northwestern National Insurance Company. DCNB. Judgment for plaintiff 1239

PERISHABLE AGRICULTURE COMMODITIES ACT, 1930

Page

AGRICULTURE DECISIONS

A. ZURITSKY & SON, INC. et al, *v.* S AND V FRUIT MARKET and SAM WEINSTEIN. PACA Docket No. 2-3852. Contract price — failure to pay — Merchantability — warranty of — failure to prove breach of — Reparation 1668

Cause of action — failure to establish — dismissal as to S and V Fruit Market. 1668

ACE PRODUCE COMPANY *v.* L&M VEGETABLE DISTRIBUTORS. PACA Docket No. 2-3695. Contract terms — f.o.b. transactions — Price adjustment — failure to prove — Reparation 1264

ACE PRODUCE COMPANY *v.* PROCACCI BROS. SALES CORPORATION a/t/a P&K PRODUCE CO. and/or LOU LODEN PRODUCE DISTRIBUTORS. PACA Docket No. 2-3629. Contract — absence of — Dismissal. 1283

Liability — absence of — Dismissal 1283

ACE PRODUCE COMPANY *v.* PROCACCI BROS. SALES CORPORATION, a/t/a P&K PRODUCE CO. and/or LOU LODEN PRODUCE DISTRIBUTORS. PACA Docket No. 2-3629. Amendment of prior order 1287

ACE BROKERAGE COMPANY, INC. *v.* CUSTOM PACKING, LTD. PACA Docket No. 2-4291. Order for undisputed amount 1444

ACE PRODUCE COMPANY *v.* PROCACCI BROS. SALES CORPORATION, et al. PACA Docket No. 2-3629. Order correcting amendment to prior order 1691

AGWAY, INC. a/t/a COUNTRY FOODS *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4197. Default 517

ADAMS PACKING ASSOCIATION, INC. *v.* CHEROKEE PRODUCE, INC. PACA Docket No. 2-4226. Default. 519

ALFRED LAGRANGE, INC. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4116. Default 350

ALFRED LAGRANGE, INC. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4117. Default 350

ALFRED LAGRANGE, INC. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4093. Default. 348

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

ALFRED LAGRANGE, INC. *v.* ASSOCIATED GROCERS' COMPANY OF ST. LOUIS and/or THE GILBERT BROKERAGE CO. PACA Docket No. 2-4136. Dismissal as to *Associated Grocers' Co.* at request of complainant. 1802

ALLSTATE APPLE EXCHANGE, INC, d/b/a HUDSON RIVER FRUIT DIST. *v.* MR. COOK FOOD PRODUCTS. PACA Docket No. 2-4033. Default 57

AMERICAN FALLS PRODUCE COMPANY *v.* A. J. CAMP, INC. PACA Docket No. 2-4363. Default 1694

ANDERSON, DON F. *v.* MR. TACO PRODUCE COMPANY. PACA Docket No. 2-4071. Default 176

ANDRUS & ROBERTS PRODUCE COMPANY *v.* A. J. CAMP, INC. PACA Docket No. 2-4269. Default. 636

ARMCO GROVES, INC. *v.* SELECT FRUIT AND TROPICAL PRODUCTS, INC. PACA Docket Docket No. 2-4038. Default 175

ASSOCIATED POTATO GROWERS, INC. *v.* BIG D BROKERAGE CO., INC. PACA Docket No. 2-4003. Contract price —failure to pay — Rebuttal evidence — failure to submit — Reparation 1786

ASSOCIATED POTATO GROWERS, INC. *v.* FELDMAN COMMISSION CO., INC. PACA Docket No. 2-4455. Default 1958

ATCHESON, KENNETH *v.* CYR BROTHERS MEAT PACKING, INC. PACA Docket No. 2-3787, Contract — failure to prove modification of — Accord and satisfaction — failure to establish Damages — recover of — Reparation 506

ATLANTIC PRODUCE COMPANY, INC. PACA Docket No. 2-3303. Flagrant and repeated violations — failure to pay promptly and in full — Publication of facts. 1631

ATLANTIC PRODUCE COMPANY, INC. PACA Docket No. 2-3303. Stay order. 1957

B & L PRODUCE OF ARIZONA, INC. *v.* A.M. MANTIA, INC. and/or E. & S. PRODUCE DISTRIBUTORS. PACA Docket No. 2-3641. Dismissal — on authorization of complainant 630

B & L PRODUCE, INC. *v.* A. & A PRODUCE, INC. PACA Docket No. 2-4419. Default 1805

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

B & L PRODUCE, INC. *v.* KELLNER FRUIT COMPANY, INC. PACA Docket No. 2-4180. Default 424

BATEMAN CO. INC. *v.* DECON PRODUCE CO., INC. PACA Docket No. 2-3968. Dismissal — settlement between parties 422

BENDEL, VICTOR D., d/b/a VICTOR D BENDEL COMPANY *v.* JEBAVY-SORENSON ORCHARD COMPANY. PACA Docket No. 2-4328. Default 1324

BENNY MENDELL PRODUCE, INC. *v.* T & R TRUCKING & WHOLESALE CO., INC. PACA Docket No. 2-4206. Default 518

BEST VEGETABLE SERVICE, INC. *v.* PUBLIX FRUIT AND PRODUCE CO. PACA Docket No. 2-3995. Acceptance — by unauthorized resale after notice of rejection — Damages — failure to prove — Reparation 1449

BEST PIES *v.* JEBAVY-SORENSON ORCHARD COMPANY. PACA Docket No. 2-4365. Default 1694

BEST PRODUCE CO. *v.* BROADUS' PRODUCE COMPANY. PACA Docket No. 2-4404. Default 1804

BETTER TATERS, INC. *v.* HADDAD & SONS BROKERAGE. PACA Docket No. 2-3418. Order dismissing petition to rehear 36

BIEDERMAN & GERSHON FRUIT & PRODUCE COMPANY *v.* KESINGER'S SUPER MARKETS, INC. PACA Docket No. 2-3960. Default 762

BIG D BROKERAGE CO., INC. PACA Docket No. 2-4179. Failure to pay promptly and in full — wilfull, flagrant and repeated violations — Publication of facts 1935

BIG O FOODS, INC. *v.* FELDMAN COMMISSION CO., INC. PACA Docket No. 2-4433. Default 1958

BLANFORT, INC. *v.* RIOS PRODUCE. PACA Docket No. 2-4253. Default 633

BLANFORT, INC. *v.* RIOS PRODUCE. PACA Docket No. 2-4254. Default 633

BLANFORT, INC. *v.* J & G PRE-PAK. PACA Docket No. 2-4297. Default 763

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

BLALOCK, LEE ROY, JR., and JIMMY ROSS d/b/a BLALOCK BROTHERS WHOLESALE TOMATO REPACKERS, and BLALOCK BROTHERS TOMATO REPACKING. PACA Docket No. 2-4362. Consent order 1456

BLISS PRODUCE COMPANY *v.* A. E. ALBERT & SONS, INC. PACA Docket No. 2-3250. Contract — breach of, by nondelivery — Failure to pay for delivered goods — Contract price — of goods delivered — set off against damages resulting from breach 742

Counterclaim — Damages — net amount of — Prevailing party — Reparation awarded 742

BLUE ANCHOR, INC. *v.* KENNETH STOUT PRODUCE INC. PACA Docket No. 2-4036. Default 56

BLUE ANCHOR INC. *v.* WHOLESALE PRODUCE SUPPLY, INC. PACA Docket No. 2-3482. Acceptance — by failure to timely reject — Contract — failure to prove breach of — Reparation 161

BLUE GOOSE GROWERS, INC. *v.* PRODUCE TRADING CORP. PACA Docket No. 2-3804. Acceptance — by failure to reject and by unloading — Contract — breach of — Damages — measure of — failure to prove — Reparation awarded. 1913

BRANCH, HEGEL, and JAMES BENNETT *v.* MISSION SHIPPERS, INC. PACA Docket No. 2-3377. Contract — modification of — Burden of proof — sustained by respondent — Evidence — of damage by adverse weather established — Dismissal 726

BROSTOFF AND CELLE *v.* DARSEL FRANKLIN, d/b/a PYRAMID PRODUCE. PACA Docket No. 2-4128. Default 354

BRUCE CHURCH, INC. *v.* KENNETH STOUT PRODUCE INC. PACA Docket No. 2-4022. Default 56

BRUCE CHURCH, INC. *v.* GORDON'S, INC. PACA Docket No. 2-4243. Default 633

BUD ANTLE, INC. *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4268. Default 637

BUD-RICH POTATO, INC. *v.* PAT F. GO, d/b/a J & G PRE-PAK. PACA Docket No. 2-4307. Default. 765

BULL BROS. ORCHARDS, INC. *v.* AFFY TAPPLE, INC. PACA Docket No. 2-4123. Default 514

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

BUSHMAN'S, INC. *v.* DIRECT PRODUCE, PACA Docket No. 2-3961. Record evidence — sufficiency of to determine amount of liability — Reparation 1459

BYRD FOODS *v.* A. J. CAMP, INC. PACA Docket No. 2-4320. Default 763

CAITO FOODS SERVICE CO. *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4204. Default 518

CALIFORNIA CARROTS, INC. *v.* ARLINGTON GROWERS AND SALES, INC. and/or SOUTHMOST FARMS, INC. PACA Docket No. 2-3912. Order denying petition to reopen 166

CALIFORNIA ARTICHOKE AND VEGETABLE GROWERS CORPORATION *v.* A.J. CAMP, INC. PACA Docket No. 2-4270. Default 636

CALIFORNIA LETTUCE CO. *v.* GEORGE VAN VALKENBURG, JR., d/b/a A & A PRODUCE, INC. PACA Docket No. 2-4294. Default 764

CANON POTATO CO., INC. *v.* CAPPY'S FRUIT MARKET. PACA Docket No. 2-4163. Default 515

CAPITAL CITY FRUIT CO., INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4319. Default 763

CAPITAL PRODUCE CO., t/a GREENWAY PRODUCE CO. *v.* CUSTOM PACKING, LTD. PACA Docket No. 2-4044. Default 175

CARGIL PRODUCE COMPANY *v.* CAMILLE PREST a/t/a C & M PRODUCE, PACA Docket No. 2-4439. Default 1958

CARIBOO GROWERS, INC. *v.* JOE CAPPOLA & CO., INC. PACA Docket No. 2-4443. Default 1959

CARL JOSEPH MAGGIO, INC. *v.* LAMANTIA BROS. ARRIGO CO., INC. PACA Docket No. 2-3673. Dismissal — settlement between parties 346

CARL WHITE AND SON *v.* COLONY FOOD PRODUCTS, INC. PACA Docket No. 2-4293. Default 638

CASTELLINI COMPANY, THE *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4202. Default 519

CASTRO & SON, INC. *v.* QUALITY PRODUCE. PACA Docket No. 2-4287. Default 638

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

CATANZARO, SAM LEO d/b/a SAM CATANZARO CO. PACA Docket No. 2-344. Stay order — pending judicial review proceedings 174

CATANZARO, SAM LEO, d/b/a SAM CATANZARO CO. PACA Docket No. 2-3444. Flagrant and repeated violations — failure to pay in full — Breach of trust — failure to remit in full to joint account partners their proceeds of sale — Fiduciary obligation — breach of trust in — Sanction 26

CHARLES GALLENBERG FARMS *v.* ALFRED TO. COOPER, d/b/a COOPER'S PRODUCE. PACA Docket No. 2-4051. Default 57

CHERRY FOODS, INC. *v.* CHERRY LANE FOODS, INC. PACA Docket No. 2-3599. Weights — alleged shortages in — Burden of proof — failure to sustain — Withholding of payment unjustified — Reparation for amount due 1269

CHERRY FOODS, INC. *v.* CHERRY LANE FOODS, INC. PACA Docket No. 2-3499. Order on reconsideration 1946

CHERRY FOODS, INC. *v.* CHERRY LANE FOODS, INC. PACA Docket No. 2-3599. Stay order — pending issuance of further order 1465

CLYDE JOHNSON, INC. *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4199. Default 520

COACHELLA-IMPERIAL DISTRIBUTORS *v.* TRI-CITY GROCERY CO. and/or THE GILBERT BROKERAGE CO. PACA Docket No. 2-4069. Broker — authority of — Burden of proof — failure to sustain — Reparation 1429

COACHELLA-IMPERIAL DISTRIBUTORS *v.* ASSOCIATED GROCERS COMPANY OF ST. LOUIS, MISSOURI, and/or THE GILBERT BROKERAGE CO. PACA Docket No. 2-4055. Contract price — failure to pay — Broker — payment to does not constitute payment to shipper without the shipper's authorization — Reparation 1645

Dismissed as to Gilbert Brokerage Co. 1645

COCOLA FRUIT CORPORATION *v.* RED OWL STORES, INC. PACA Docket No. 2-4086. Dismissal — settlement between parties 630

COCOLA FRUIT CORPORATION *v.* RED OWL STORES, INC. PACA Docket No. 2-4048. Dismissal — settlement between parties 630

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

COLUMBIALAND, INC. *v.* DI MATTEO PRODUCE CO., INC. PACA Docket No. 2-4236. Default 635

COOK PRODUCE, INC. *v.* S. CORTELLO, INC. and/or G.I. PRODUCE CO., INC. PACA Docket No. 2-3900. Accepted goods — failure to pay for, in violation of the Act — Reparation against *S. Cortello* 1687

Dismissed as to *G.I. Produce* 1687

COMMUNITY-SUFFOLK, INC. *v.* VIRGINIA FERREIRA, d/b/a FERREIRA WHSE. FRUIT & PRODUCE. PACA Docket No. 2-4299. Default 765

COMMUNITY-SUFFOLK, INC. *v.* GENERAL COMMISSARY SERVICES INC. PACA Docket No. 2-3991. Default 54

CONTINENTAL PRODUCE COMPANY *v.* M. DEGARO CO., INC. PACA Docket No. 2-3726. F.o.b. transaction — good delivery standards — Delay in transit — abnormal transportation service and conditions — Suitable shipping condition — warranty of not applicable — Reparation 38

COROCO, INC. PACA Docket No. 2-4273. Agreed purchase prices — failure to pay — Contracts — purchase and sale changed to consignments without authority — Joint account transactions — failure to account truly and correctly and to pay proceeds due joint account partner — Net proceeds failure to remit — Wilful, flagrant and repeated violations — Publication of facts 1940

COUTURE FARMS *v.* A. J. CAMP, INC. PACA Docket No. 2-4238. Default 635

CROWN SALES COMPANY, INC. *v.* BIG D BROKERAGE CO., INC. PACA Docket No. 2-4112. Default. 350

CROWN ORCHARD COMPANY *v.* MID-VALLEY PRODUCTS CORP. PACA Docket No. 2-3313. Order on reconsideration 23

CUSUMANO BROS. CO., INC. *v.* BATTLECREEK PRODUCE, INC. PACA Docket No. 2-3994. Default. 54

CY-LOU FARMS PRODUCE DIVISION *v.* LARRY MISKELL CO. PACA Docket No. 2-4089. Default. 351

CY-LOU FARMS PRODUCE DIVISION *v.* LARRY MISKELL CO. PACA Docket No. 2-4090. Default. 351

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

D'ARRIGO BROTHERS CO., OF CALIFORNIA, INC, *v.* SUPERMARKETS GENERAL CORPORATION PACA Docket No. 2-4107. Good delivery standards — inapplicability of — Rejection — wrongful — Damages — measure of — Reparation awarded 1923

DEBRUYN PRODUCE CO. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4082. Default 518

. 346

DEBRUYN PRODUCE COMPANY *v.* BAMA BROKERS, INC. PACA Docket No. 2-4147. Dismissal — settlement between parties. 422

D. B. BERELSON AND CO. *v.* AMERICAN KITCHEN FOODS, INC. PACA Docket No. 2-3899. Dismissal — on authorization of complainant. 1322

D. R. (BUD) SHAFFER, INC. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4087. Default. 351

D - N PRODUCE *v.* S. CORTELLO, INC. PACA Docket No. 2-4229. Default 1802

DAVE WALSH CO., *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4222. Default 513

DAVE WALSH CO., INC. *v.* KENNETH STOUT PRODUCE, INC. PACA Docket No. 2-4121. Default 352

DAVE WALSH COMPANY OF SALINAS, INC. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4142. Default 355

DAVE WALSH CO., INC. *v.* QUALITY PRODUCE. PACA Docket No. 2-4288. Default 761

DAVIDSON & RUSS TOMATO COMPANY, INC. d/b/a DAVIDSON & RUSS TOMATOE COMPANY. PACA Docket No. 2-3832. Purchase prices — failure to pay in full — Flagrant and repeated violations — Publication of facts 169

DAVIS DISTRIBUTING COMPANY, INC. *v.* ANTHONY J. LEVATINO, INC. PACA Docket No. 2-3989. Default 54

DAY & YOUNG, INC. *v.* J. RANDAZZO & SONS, INC. PACA Docket No. 2-4008. Suitable shipping condition — failure to prove breach of warranty of — Reparation awarded. 1771

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

DEARDORFF-JACKSON COMPANY *v.* J.H.S. PRODUCE INC. and FRANK C. CRISPO, INC. PACA Docket No. 2-4002. Acceptance without complaint — Failure to pay — Reparation against *J.H.S* 1250

Guaranty of payment — failure to prove — Dismissal as to *Frank C. Crispo* 1250

DEAVER PRODUCE CO. *v.* A. J. CAMP, INC. PACA Docket No. 2-4244. Default 634

DEL MONTE BANANA COMPANY *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4203. Default 520

DEMPSEY & SONS PRODUCE CO. *v.* FARM FRESH PRODUCE CO., INC. PACA Docket No. 2-4035. Dismissal — on authorization of complaint 512

DIAMOND C., INC. PACA Docket No. 2-3932. Flagrant and repeated violations — failure to pay in full — Sanction 167

DICKS, F. H. *v.* JOHN A. SCHIANO PRODUCE CO., INC. PACA Docket No. 2-4091. Default 351

DIXON TOM-A-TOE COS., INC. *v.* WILLIAM NORMAN DIPPEL, d/b/a DIPPEL PRODUCE, PACA Docket No. 2-4111. Default 350

DIXON PRODUCE COMPANY, INC. *v.* CAROLYN J. PEEPLES, d/b/a PEEPLES PRODUCE CO. PACA Docket No. 2-4357. Default 1467

DIXON TOM-A-TOE COMPANIES, INC. v. PEEPLES PRODUCE CO. PACA Docket No. 2-4402. Default. 1803

DOMINION CITRUS AND DRUGS LTD. *v.* FLORANCE DISTRIBUTING COMPANY, INC. PACA Docket No. 2-3600. Contracts — breach of — Contract terms — precooling prior to shipment — failure to observe — Damages — measure of for accepted goods — Reparation 333

DUKE, E. L. *v.* FURRS, INC. PACA Docket No. 2-4115. Dismissal — settlement between parties 761

E. VEGA & SONS PRODUCE *v.* RAMIRO RAMON, JR., d/b/a NUECES PRODUCE CO. PACA Docket No. 2-4370. Default 1467

E. VEGA & SONS PRODUCE *v.* RAMIRO RAMON, JR., d/b/a RAM'S PRODUCE & MELON GARDEN. PACA Docket No. 2-4364. Default 1694

Perishable Agricultural Commodities Act., 1930—Cont.

Page

Agriculture Decisions—Cont.

E. A. BROWN TOMATOES, INC. *v.* RAM'S PRODUCE & MELON GARDEN. PACA Docket No. 2-4445. Default. 1961

E. H. PARENT, INC. *v.* AMIGO FOODS CORP. PACA Docket No. 2-3437. Dismissal — settlement between parties 173

EICK, JOHN A. *v.* HAROLD J. STABILE PRODUCE, INC. PACA Docket No. 2-4249. Default 631

ESSENTIAL PRODUCE INTERNATIONAL CORPORATION. a/t/a EPIC. PACA Docket No. 2-3885. Accountings — false and incorrect — Flagrant and repeated violations — failure to pay purchase prices and to remit net proceeds promptly — Publication of facts 158

F. E. BALDWIN AND COMPANY *v.* JOE BELSON. PACA Docket No. 2-4;35. Dismissal — Settlement between parties 1466

F. H. HOGUE, INC. *v.* GEM STATE SALES, INC. and/or GESELL DISTRIBUTING CO., INC. PACA Docket No. 2-3856. Contract terms — delivered sale, specified grade and size — Acceptance — by diversion — Consignment agreement — obtained through false and misleading information — Reparation against Gesell 1253

Dismissal as to *Gem State* 1253

F. J. REARDON, INC. *v.* VINCENT MUSCARELLA, d/b/a STANDARD BANANA. PACA Docket No. 2-4242. Default 633

FARMERS POTATO DISTRIBUTING CO., INC. *v.* NU-WAY FOOD PRODUCTS, INC. PACA Docket No. 2-3764. Contract — failure to prove breach of — Reparation 339

FIESTA FARMS COOPERATIVE *v.* A. J. CAMP, INC. PACA Docket No. 2-4233. Default 631

FISHER RANCH CORPORATION *v.* QUALITY PRODUCE. PACA Docket No. 2-4286. Default 638

FIVE STAR PRODUCE, INC. *v.* JOSE G. RIOS, d/b/a RIOS PRODUCE. PACA Docket No. 2-4303. Default. 763

FLAVORLAND FOODS, INC. *v.* MID-VALLEY PRODUCTS CORP. PACA Docket No. 2-4067. Contract — failure to prove breach of — Contract terms — net weight — Evidence — absence of as to claim of weight shortage of total shipment — Reparation 1766

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

FLORANCE DISTRIBUTING CO., INC. *v.* M. OFFUTT BROKERAGE COMPANY, INC. and/or DAN GARCIA BROKERAGE, INC. PACA Docket No. 2-3737. Contract destination — absence of agreement on — Contract — breach of — Damages — failure to show — Reparation against *M. Offutt* 1276-77

Dismissal as to *Dan Garcia* 1276-77

FORCO FARMERS CO-OP., INC. *v.* B. T. CRONE PROD. INC. PACA Docket No. 2-4031. Default 57

FORD'S PRODUCE COMPANY *v.* CUSTOM PACKING LTD. PACA Docket No. 2-4400. Default 1692

FORT LUPTON PRODUCE COMPANY *v.* RIOS PRODUCE. PACA Docket No. 2-4237. Default 635

FOSTER, LYLE C. *v.* MELVIN NAGEL, d/b/a NAGEL PACKING COMPANY. PACA Docket No. 2-4430. Default 1806

FOWLER PACKING CO., INC. *v.* N. E. FRIEDMEYER-SELLMEYER DISTRIBUTING CO. and/or THE GILBERT BROKERAGE CO. PACA Docket No. 2-4058. Agency — failure to establish — Broker — collection by without authority — payment to not constituting payment to seller — Reparation 1432

FOWLER PACKING CO., INC. *v.* TRI-CITY GROCERY CO. and/or THE GILBERT BROKERAGE CO. PACA Docket No. 2-4059. Broker — payment to — Broker's memorandum of sale — notice as to whom payment should be made — Contract price — failure to pay — Reparation against *Tri-City* 1649

Dismissed as to *Gilbert Brokerage Co.* 1649

FOWLER PACKING CO., INC. *v.* JOHN MOON PRODUCE COMPANY and/or THE GILBERT BROKERAGE CO. PACA Docket No. 2-4053. Broker — limited scope of authority — payment to does not constitute payment to shipper — Reparation awarded against *Moon Produce Co.* 1947

FRED A. ROSS POTATO & ONION COMPANY *v.* A. J. CAMP, INC. PACA Docket No. 2-4318. Default 764

FRIEDMAN & BROUSSARD *v.* A. J. CAMP, INC. PACA Docket No. 2-4246. Default 632

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

FRUIT DISTRIBUTING CORPORATION *v.* A. J. CAMP, INC. PACA Docket No. 2-4255. Default 632

FRUIT DISTRIBUTING CORPORATION *v.* SCANIO PRODUCE COMPANY, INC., and/or S. CORTELLO, INC. PACA Docket No. 2-3769. F.o.b. transaction — Suitable shipping condition — failure to prove breach of warranty of — Reparation 417

G. A. FUNDERBURK CO., INC. *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4200. Default 520

G. I. PRODUCE COMPANY, INC. PACA Docket No. 2-4043. Answer — failure to file — Flagrant and repeated violations — failure to pay agred purchase prices promptly and in full — Sanction. 510

G & B, INC. *v.* CUSTOM PACKING. LTD. PACA Docket No. 2-3650. Contract price — failure to pay in full — Reparation 611

G & F FRUIT DISTRIBUTORS *v.* ASSOCIATED GROCERS' COMPANY OF ST. LOUIS, MISSOURI. PACA Docket No. 2-4056. Evidence — insufficiency of — Contract — failure to prove modification of — Reparation awarded. 1927

G. & S. PRODUCE COMPANY, INC. *v.* WATTON DISTRIBUTING, INC. PACA Docket No. 2-4015. F.o.b. transaction — Suitable shipping condiiton — breach of warranty of — Contract price — failure to pay — Damages — measure of — Reparation 1653

GARIN COMPANY, THE *v.* SANTISI PRODUCE CO. PACA Docket No. 2-3977. Damages — failure to prove — Deduction — failure to justify — Evidence — absence of as to resale — Suitable shipping condition — Breach of warranty of — Reparation 1452

GARDEN STATE FARMS, INC. *v.* RACETRACK PRODUCE, INC. PACA Docket No. 2-4150. Default. 353

GARDEN STATE FARMS, INC. *v.* BRUCE M. FELDMAN, d/b/a BRUCE M. FELDMAN FOOD SALES. PACA Docket No. 2-4143. Default 356

GARIN COMPANY, THE *v.* NICHOLAS J. ZERILLO, INC. PACA Docket No. 2-4049. F.O.B. transaction — Suitable shipping condition — breach of warranty of — Damages — measure of — Reparation for amount due. 1259

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

GARIN COMPANY, THE *v.* NICHOLAS J. SERILLO PACA Docket No. 2-4049. Stay order — epending issuance of further order 1465

GARIN COMPANY, THE *v.* NICHOLAS J. ZERILLO, INC. PACA Docket No. 2-4049. Order dismissing petition and reinstating prior order 1672

GARNAND MARKETING, INC. *v.* PAT F. GO., d/b/a J & G PRE-PAK. PACA Docket No. 2-4403. Default 1803

GARNAND MARKETING, INC. *v.* MICHAEL KING CORPORATION, t/a KING BROKERAGE CO. PACA Docket No. 2-4406. Default 1804

GEORGE J. PARDI PRODUCE COMPANY *v.* BDK SALES COMPANY. PACA Docket No. 2-4155. Dismissal — settlement between parties 1322

GIUMARRA VINEYARDS CORPORATION *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4181. Default 514

GIUMARRA VINEYARDS CORPORATION *v.* A. J. CAMP, INC. PACA Docket No. 2-4240. Default 634

GLENDALE PRODUCE COMPANY *v.* WESTERN FRUIT & PRODUCE, INC. PACA Docket No. 2-3766. Jurisdiction — failure to establish — Dismissal 1295

GONZALES PACKING CO. *v.* SOUTHWEST PRODUCE, INC. PACA Docket No. 2-3919. Default 57

GORDON'S, INC. PACA Docket No. 2-4192, Wilfull, flagrant and repeated violations — failure to pay — Sanction 1795

GOURMET HARVESTING AND PACKING CO. *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4201. Default 513

GRANADA MARKETING, INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4317. Default 764

GREAT LAKES FRUIT & PRODUCE, INC. *v.* JIM LATCH and BILL HOLLAWAY, d/b/a H & L PRODUCE. PACA Docket No. 2-4423. Default 1806

GREGORY, JOHN A., d/b/a COWBOYS PRODUCE *v.* PEEPLES PRODUCE CO. PACA Docket No. 2-4340. Default 1324

GREEN GROVE CITRUS, INC. *v.* DON G. TERRY, d/b/a IMPERIAL FRUIT & VEGETABLE CO. PACA Docket No. 2-4399. Default 1804

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

GRESSINGER & SONS *v.* MACK C. DEMPSEY, d/b/a DEMPSEY & SONS PRODUCE CO. PACA Docket No. 2-4298. Default 763

GROULX, JOSEPH F. *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4201. Default 520

GROWERS MARKETING SERVICE, INC. *v.* TIGER-MO PRODUCE CO. PACA Docket No. 2-3683. Interstate commerce — movement in established — Accounting — failure to furnish — Evidence as to condition — failure to submit — Net value — construction of — failure to pay — Reparation 1789

GROWER-SHIPPER POTATO CO. THE *v.* RIOS PRODUCE. PACA Docket No. 2-4261. Default 761

GYLLING, ORVAL R., d/b/a REID GYLLING CO. *v.* PAT F. GO., d/b/a J & G PRE-PAK. PACA Docket No. 2-4296. Default 763

H. SMITH PACKING CORP. *v.* BUXBAUM BROS., INC. PACA Docket No. 2-4016. Express warranty — breach of — Contract price — failure to pay in full — Reparation awarded 1931

HAL MERDLER PRODUCE, INC. *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4230. Default 634

HALL, OREN RAY, a/k/a RAY HALL, d/b/a WALLACE PRODUCE COMPANY. PACA Docket No. 2-3828. Failure to make full payment promptly — flagrant and repeated violations — Publication of facts 21

HANSEN FRUIT AND COLD STORAGE COMPANY, INC. *v.* BIG D BROKERAGE COMPANY, INC. PACA Docket No. 2-3964. Order denying petition to reopen and reinstating prior order 337

HARDEN FARMS OF CALIFORNIA *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4218. Default 513

HATCHER, WADE and D. C. HOLLAND *v.* GLOBE TOMATO, INC. PACA Docket No. 2-4339. Default 1324

HAVENS, FORREST C., d/b/a HAVENS BROKERAGE COMPANY *v.* PAT F. GO, d/b/a J & G PRE-PAK. PACA Docket No. 2-4295. Default 764

HEBB & HENDRIX, INC. *v.* TOMGIRL TOMATOE PACKING OF MIAMI, INC. PACA Docket No. 2-4139. Default 355

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

HEGGEBLADE-MARGULEAS-TENNECO *v.* SAM COMPTON PRODUCE COMPANY. PACA Docket No. 2-3933. Dismissal — on authorization of complainant 513

HELMS POTATO CO. *v.* JOHN T. ESTES, d/b/a EL GATO DISTRIBUTORS. PACA Docket No. 2-4042. Default 176

HELMS POTATO CO. *v.* RAY D. JETER AND WELDON H. KINCAID, d/b/a MR. TACO PRODUCE COMPANY. PACA Docket No. 2-4021. Default 177

HENDRIX-MCDANIEL COMPANY *v.* HOWARD POTATOE CHIP CO. and DON ROLAND SMITH, d/b/a AMERICAN BROKERS. PACA Docket No. 2-3336. Delivery — failure to accept — Damages — measure of for nonacceptance — Reparation 326

HENNING, DAVID W., d/b/a WESTERN SHIPPERS TRADING COMPANY *v.* PURE GOLD, INC. PACA Docket No. 2-4045. Dismissal — settlement between parties 1322

HENRY ANKENY CO. *v.* A. J. CAMP, INC. PACA Docket No. 2-4263. Default 762

HERMAN J. HEIDRICH & SONS *v.* CHEROKEE PRODUCE, INC. PACA Docket No. 2-4149. Default 353

HERNANDEZ, JAIME CARRILLO *v.* R & L PRODUCE COMPANY, INC. PACA Docket No. 2-4373. Default 1468

HOMESTEAD TOMATO PACKING CO., INC. *v.* GARRETT-HOLMES AND COMPANY, INC. PACA Docket No. 2-3857. Notice of defective goods — untimely — Deduction — from contract price unauthorized — Reparation 623

HOMESTEAD POLE BEAN CO-OP, INC. *v.* W. L. JUSTICE ESTATE. PACA Docket No. 2-4441. Default 1960

HOWE, RUSSELL W. *v.* KENNETH HEDER PRODUCE CO. PACA Docket No. 2-3618. F.o.b. transaction — f.o.b. as to price — delivered as to condition — Damage — failure to show extent of — Deduction — wrongful — Condition — total damage claimed — failure to prove — Risk of loss — abnormal transit conditions — Ultimate disposition — failure to submit evidence of — Reparation 1673

HOWE, RUSSELL W. *v.* KENNETH HEDER PRODUCE CO. PACA Docket No. 2-3618. Stay order — pending issuance of further order 1801

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

HOWE, RUSSELL W. *v.* KENNETH HEDER PRODUCE CO. PACA Docket No. 2-3618. Order vacating stay order 1922

HUNTER BROS. INC. *v.* HAROLD WEBER & SON, INC. PACA Docket No. 2-4009. Default 55

HURLEY, ROBERT, d/b/a ROBERT HURLEY POTATO CO. *v.* A. J. CAMP, INC. PACA Docket No. 2-4302. Default 762

HURLEY ROBERT, d/b/a ROBERT HURLEY POTATOE CO. *v.* DIMATTEO PRODUCE CO., INC. PACA Docket No. 2-4125. Default 353

IDAHO FRUIT SALES, INC. *v.* JUHL & SON PRODUCE CO. PACA Docket No. 2-4037. Default 175

INTER HARVEST, INC. *v.* GORDON'S, INC. PACA Docket No. 2-4103. Default 347

INTER HARVEST, INC. *v.* TTRU-PAK TOMATO CO. PACA Docket No. 2-4013, Contract — breach of — Suitable shipping condition — Acceptance — by dominion and control and untimely notice of rejection — Rejection direct to trucker not rejection to seller — Damages — measure of — Reparation 1436

INTER HARVEST, INC. *v.* JOS. NOTARIANNI & CO. PACA Docket No. 2-3939. Contract — failure to prove breach of — Consignment — failure to prove authority for — Reparation against *Garcia Brokerage* 1445

Dismissal as to *Jos. Notatianni* 1445

INTER-STATE FRUIT & VEG. CO., INC. *v.* MAX V. HAGEN, d/b/a HAGEN'S FRESH FRUIT & VEGETABLES. PACA Docket No. 2-4426. Default 1806

INTER HARVEST, INC. *v.* GARDEN STATE FARMS, INC. PACA Docket No. 2-3953. F.o.b. transaction — Good delivery — failure to make — Damages — measure of — Resale — prompt and proper — Gross proceeds of resale determined as value of goods accepted — Reparation awarded for balance due 1918

INTER-STATE FRUIT & VEG. CO. INC. *v.* H & L PRODUCE. PACA Docket No. 2-4434. Default 1958

IVANHOE CITRUS ASSOCIATION *v.* DONALD W. BALMAN d/b/a DON BALMAN CITRUS CO. PACA Docket No. 2-4454. Default 1960

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

J. ACEVEDO & SONS AND J. ACEVEDO & SONS, INC. PACA Docket Nos. 2-2717 and 2-2889. Removal of stay 630

J. SCHALLER CO. *v.* J. SCHLANGER & SONS. PACA Docket No. 2-3357. Purchaser — actual — Broker — liability of upon breach by undisclosed principal — Reparation 153

J. A. WOOD CO.—VISTA, INC. *v.* CREST GROWERS, INC. PACA Docket No. 2-4186. Default 424

J. A. WOOD COMPANY *v.* JACK WALKER, d/b/a HILL TOP FARMS. PACA Docket No. 2-4162. Default. 515

J-B DISTRIBUTING CO. *v.* RAY BOLL, INC. and/or RAY BOLL, PACA Docket No. 2-4165. Default. 1468

J. C. WATSON COMPANY *v.* BIG D BROKERAGE CO., INC. PACA Docket No. 2-4032. Default 56

J. C. WATSON COMPANY *v.* NEELS WHOLESALE PRODUCE COMPANY. PACA Docket No. 2-3687. Rejection without reasonable cause — Damages — absence of — Dismissal 733

J. D. LOWE, JR. CO. *v.* JUSTICE TRUCKING & PRODUCE CO. PACA Docket No. 2-4066. Default. 176

J. J. CROSETTI CO., INC. *v.* GENTILE BROS. COMPANY. PACA Docket No. 2-4078. Consignment agreement — valid — Misrepresentation claim — failure to prove — Temperature — normal — Warranty of suitable shipping condition applicable — Net proceeds of sale remitted — Dismissal 1952

J. R. FAULK PRODUCE CO., INC. *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4217. Default 516

J. R. FRENI COMPANY, INC. *v.* ALKI MICHAELES, INC., d/b/a CALIFORNIA FRUIT CO. PACA Docket No. 2-3682. Deduction — unauthorized and unjustified — Failure to pay — Reparation 718

Counterclaim — Burden of proof — failure to sustain — Dismissal 718

J & W BROKERAGE *v.* RUSSELL-WYMAN CO. PACA Docket No. 2-3876. Brokerage fees — entitlement to — failure to pay — Reparation 1297

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

JAMES DESIDERIO INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4418. Default 1805

JOHN SCHIANO PRODUCE CO., INC. PACA Docket No. 2-4169. Flagrant and repeated violations — failure to pay — Sanction 1799

JOHNSON, J. N., JR. — YAMS AND PRODUCE *v.* POLING CORPORATION, INC. PACA Docket No. 2-4369, Default 1468

JOHNSTON-GIBSON SALES COMPANY *v.* LETSINGER PRODUCE, INC. PACA Docket No. 2-4448. Default 1961

JOSEPH F. BYRNES PROD., INC. *v.* BDK SALES CO. PACA Docket No. 2-4381. Order of dismissal. 1957

JOSEPH MERCURIO PRODUCE CORP. *v.* VALLEY FOODS. PACA Docket No. 2-4129. Default 354

KAPLAN'S FRUIT & PRODUCE CO., INC. *v.* MARK A. JONES, d/b/a HARTMAN FRUIT & PRODUCE. PACA Docket No. 2-4083. Default 347

KAPLAN'S FRUIT & PRODUCE CO., INC. *v.* PAT F. GO, d/b/a PRE-PAK and/or BIG D BROKERAGE CO., INC. PACA Docket No. 2-4167. Seller — identity of established — Express warranty — absence of — Contract price — failure to pay — Reparation against *Pat F. Go* 1782

Dismissed as to Big D Brokerage Co. 1782

KAPLAN'S FRUIT & PRODUCE CO., INC. *v.* ALLSTATE FOOD & PRODUCE, INC. PACA Docket No. 2-4429. Default 1806

KATZ COMPANY, INC., THE *v.* A. J. CAMP, INC. PACA Docket No. 2-4267. Default 636

KELLNER FRUIT COMPANY, INC. PACA Docket No. 2-4275. Failure to pay promptly and in full — wilful, flagrant and repeated violations — Sanction 1938

KENDALL, MORTON, d/b/a MORT KENDALL CO. *v.* BRADY FARMS, INC. PACA Docket No. 2-4185. Default 519

KENNETH NEW SONS PRODUCE CO., INC. *v.* CALVIN O. STOCKLI, d/b/a VALLEY FOODS. PACA Docket No. 2-4081. Default 347

KENNETH STOUT PRODUCE, INC. PACA Docket No. 2-4170. Wilful, flagrant and repeated violations — Publication of facts 1793

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

KUROKI, GEORGE *v.* JACK WALKER, d/b/a HILL TOP FARMS. PACA Docket No. 2-4313. Default. 764

L.A. CHILI HOUSE *v.* RICHARD O. HAGELBERG and ROBERT L. DAMERON d/b/a DE ORO PRODUCE. PACA Docket No. 2-4374. Default 1468

LACERDA, JOSEPH F. *v.* COLONY FOOD PRODUCTS, INC. PACA Docket No. 2-4262. Default 762

LAMB FRUIT CO., INC. *v.* W.W. RODGERS & SONS. PACA Docket No. 2-3786. F.o.b. transaction — risk of loss assumed by buyer — Novation — failure to establish — Reparation 1300

LANPHIER FARMS, INC. *v.* AMERICAN POTATO COMPANY. PACA Docket No. 2-4109. Default 348

LEE HAMBLIN COMPANY *v.* W. L. JUSTICE ESTATE. PACA Docket No. 2-4440. Default 1960

LETSINGER PRODUCE, INC. *v.* A. & E PRODUCE, INC. PACA Docket No. 2-4442. Default 1959

LET-US-PAK *v.* A.J. CAMP, INC. PACA Docket No. 2-4266. Default 637

LOGOLUSO, FRANK A., d/b/a LOGOLUSO FARMS *v.* A.J. CAMP, INC. PACA Docket No. 2-4264. Default 762

LONG, J.C. d/b/a J.C. LONG FRUIT CO. *v.* A.J. CAMP, INC. PACA Docket No. 2-4196. Default 517

LOUIE PRODUCE COMPANY *v.* GORDON'S, INC. PACA Docket No. 2-4098. Default 349

LOUIE PRODUCE COMPANY *v.* BIG Q CHIN d/b/a QUONG LEE CO. PACA Docket No. 2-4356, Default. 1467

LOUIE PRODUCE COMPANY *v.* HASHIZUME FOOD PRODUCTS CORP. PACA Docket No. 2-4401 Default 1958

LOUIS CARIC & SONS *v.* GARDEN FRESH MARKETS, INC. and/or MAURE SOLT COMPANY. PACA Docket No. 2-3835. Agent — payment to absent authority of to collect — Agency — scope and authority — determination of — Memorandum of sale — absence of with respect to sales in issue — Payment inquiry — to agent, not to principal — Agreed purchase price — failure to pay — Reparation 412

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

M & R COMPANY *v.* FRANK CRINELLA & SONS. PACA Docket No. 2-3630. Dismissal — on authorization of complainant 53

M. & T. CHIRICO, INC. *v.* A.J. CAMP, INC. PACA Docket No. 2-4405. Default 1805

MCRAE PRODUCE CO., INC. *v.* CLEVELAND VEGETABLE MARKET CO. PACA Docket No. 2-4198. Default 517

MACALUSO FRUIT COMPANY *v.* MICHAEL L. EMERINE, d/b/a C.M. PRODUCE. PACA Docket No. 2-4018. Default 1803

MAGI, INC. *v.* JOE COPPOLA & CO., INC. PACA Docket No. 2-4456. Default 1959

MAINE PACKERS, INC. *v.* COLONY FOOD PRODUCTS, INC. PACA Docket No. 2-4092. Default 352

MAINE FARMERS EXCHANGE *v.* JOHN A. SCHIANO PRODUCE CO., INC. PACA Docket No. 2-4152. Default 354

MAINE POTATO GROWERS, INC. *v.* TRI-COUNTY VEGETABLE PEELING, INC. PACA Docket No. 2-4305. Default 765

MAINE POTATO GROWERS, INC. PACA Docket No. 2-2981. Removal of stay 1323

MAINE POTATO COUNCIL CLAIM SERVICE *v.* WAYNE COUNTY PRODUCE, INC. PACA Docket No. 2-4463. Default 1962

MAINE POTATO COUNCIL CLAIM SERVICE *v.* WAYNE COUNTY PRODUCE, INC. PACA Docket No. 2-4464. Default 1962

MAINE POTATO COUNCIL CLAIM SERVICE *v.* WAYNE COUNTY PRODUCE, INC. PACA Docket No. 2-4467. Default 1962

MAINE POTATO COUNCIL CLAIM SERVICE *v.* WAYNE COUNTY PRODUCE, INC. PACA Docket No. 2-4468. Default 1962

MAINE POTATO COUNCIL CLAIM SERVICE *v.* WAYNE COUNTY PRODUCE, INC. PACA Docket No. 2-4469. Default 1963

MANA-HILL FARMERS COOPERATIVE *v.* GLOBE TOMATO, INC. PACA Docket No. 2-4338. Default 1325

MANA-HILL FARMERS COOPERATIVE *v.* BRUCATO PRODUCE, INC. PACA Docket No. 2-4343. Default 1326

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

MAPES PACKING CORPORATION *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4221. Default 514

MAPES PACKING CORPORATION *v.* A.J. CAMP, INC. PACA Docket No. 2-4245. Default 632

MARSHALL PRODUCE CO., INC. *v.* B.R.K. FRESH PACK, INC., et. al. PACA Docket No. 2-443. Authority to purchase — evidence of — Purchase price — failure to pay — reparation against the corporate respondent 739

Dismissal as to individual respondents 739

MARSHALL PRODUCE CO., INC. *v.* B.R.K. FRESH PACK, INC., et al. Stay order — pending issuance of further order 761

MARSHALL PRODUCE CO., INC. *v.* B.R.K. FRESH PACK, INC., *et al.* PACA Docket No. 2-3443. Order denying motion for oral hearing and dismissing petition for reconsideration 1679

MARTIN PRODUCE COMPANY, INC. *v.* MONSOURS, INC. PACA Docket No. 2-3761. Contract terms — f.o.b. transaction — suitable shipping condition — warranty of not applicable — Accord and satisfaction — failure to establish — Reparation. 613

MARTORI BROS. DISTRIBUTORS *v.* LOUIS DECARLO & SON. PACA Docket No. 2-3527. F.o.b. transaction — good delivery standards — met on arrival — Guaranteed profits — agreement not established — Burden of proof — failure to sustain — Reparation 330

MARYLAND FRESH TOMATO CO., INC. *v.* ROMAR FARM PRODUCTS, INC. PACA Docket No. 2-4458. Default 1960

MEL FINERMAN COMPANY, INC. *v.* GORDON'S, INC. PACA Docket No. 2-4120. Default 352

MEL FINERMAN COMPANY, INC. *v.* LARRY OBER CO., INC. PACA Docket No. 2-4133. Dismissal — withdrawal of complaint 1323

MENDELSON-ZELLER CO., INC. *v.* KENNETH STOUT PRODUCE, INC. PACA Docket No. 2-4039. Default. 175

MENDELSON-ZELLER CO., INC. *v.* PYRAMID PRODUCE. PACA Docket No. 2-4124. Default 352

MENDELSON-ZELLER CO., INC. *v.* A.J. CAMP, INC. PACA Docket No. 2-4241. Default 634

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

MENDELSON-ZELLER CO., INC. *v.* E & S PRODUCE DISTRIBUTORS. PACA Docket No. 2-3634. Dismissal — settlement between parties. 1466

MERCED TOMATO GRS. CO-OP ASSN. *v.* S & S TOMATO CO. PACA Docket No. 2-4046. Quantity — actually shipped — Prima-facie evidence — adequately rebutted by evidence in broker's statement — Reparation 1441

MERRILL FARMS *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4216. Default 516

MERRILL FARMS *v.* GORDON'S, INC. PACA Docket No. 2-4094. Default 349

MEYER TOMATOES *v.* SHIPPERS SERVICE COMPANY, INC. PACA Docket No. 2-3926. Default 345

MEYERS, CALVIN C., t/a MAGNOLIA ACRES SALES CO. *v.* JOHN A. SCHIANO PRODUCE CO., INC. PACA Docket No. 2-4132. Default 356

MEYER TOMATOES *v.* BLALOCK BROTHERS WHOLESALE TOMATO REPACKERS. PACA Docket No. 2-4412. Default 1805

MEYER TOMATOES *v.* JIM LATCH and BILL HOLLAWAY, d/b/a H & L PRODUCE. PACA Docket No. 2-4424. Default 1807

MICHAEL J. NAVILLO, INC. *v.* ORIGINAL FRUIT BOAT MARKET, INC. PACA Docket No. 2-3679. Delivered sale — Acceptance — Failure to pay — Reparation 1303

MIKE PHILLIPS ENTERPRISES, INCORPORATED *v.* BAILEY PRODUCE CO. PACA Docket No. 2-3923. Condition — knowledge of — Merchantability — warranty of not applicable — Reparation 1280

MILNE PRODUCE, INC. *v.* ALVIE R. TRAMMELL, d/b/a OZARK POTATO CO. PACA Docket No. 2-4251. Default. 633

MISKELL, LARRY P., d/b/a LARRY MISKELL CO. PACA Docket No. 2-3999. Consent order — Sanction 171

MISSION SHIPPERS, INC. *v.* SHIPPERS SERVICE CO., INC. PACA Docket No. 2-4397. Dismissal — settlement between parties. 1802

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

MONC'S CONSOLIDATED PRODUCE, INC. *v.* BLACK DIAMOND FRUIT AND PRODUCE COMPANY, INC. and/or KENNETH C. WHITE. PACA Docket No. 2-4164. Contract — breach of — Damages — failure to show — Reparation for total contract price against *Black Diamond* 1659

Dismissed as to *White* 1659

MOORE AND DORSEY, INC. *v.* AFFY TAPPLE, INC. PACA Docket No. 2-2643. Default 636

MUTUAL VEGETABLE SALES *v.* KENNETH STOUT PRODUCE, INC. PACA Docket No. 2-4012. Default. 55

MUTUAL VEGETABLE SALES *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4215. Default 516

NASH-DECAMP COMPANY *v.* GORDON'S, INC. PACA Docket No. 2-4100. Default 349

NICK DELIS COMPANY, INC. *v.* JACK WALKER, d/b/a HILL TOP FARMS. PACA Docket No. 2-4130. Default 354

NICK DELIS COMPANY, INC. *v.* RUDY MENDEZ and PAUL S. VILLARREAL. d/b/a RUDY'S PRODUCE CO. PACA Docket No. 2-4072. Default 176

NICK DELIS CO., INC. *v.* BIG D BROCKERAGE CO., INC. PACA Docket No. 2-4300. Default 766

NORTHCROSS DISTRIBUTION *v.* DONALD R. SHEFFIELD DISTRIBUTING CO. PACA Docket No. 2-3358, Failure to pay — in violation of Act — Reparation 749

NORTHCROSS DISTRIBUTING *v.* EMPIRE PRODUCE AND HAULING CO., INC. PACA Docket No. 2-4368. Default 1693

NORTHERN FRUIT CO., INC. *v.* WILLIAM BROADUS, d/b/a BROADUS' PRODUCE COMPANY. PACA Docket No. 2-4386. Default 1803

OAKFIELD & ELBA GROWERS, INC. *v.* KELLNER FRUIT COMPANY, INC. PACA Docket No. 2-4227. Default 519

OAKFIELD & ELBA GROWERS, INC. *v.* ARCHIES ACRES, INC. PACA Docket No. 2-4306. Default. 765

OKANOGAN GROWERS UNION *v.* JOE COPPOLA & CO., INC. PACA Docket No. 2-4444. Default 1959

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

ONEONTA TRADING CORPORATION *v.* MICHAEL KING CORPORATION, d/b/a KING BROKERAGE CO. PACA Docket No. 2-4358. Default 1694

OSTERINK, LLOYD J. *v.* TIM R. SHEEHAN, d/b/a TIM SHEEHAN-HULA PRODUCE. PACA Docket No. 2-4459. Default 1960

OXNARD FROZEN FOODS CORPORATIVE *v.* BRADY FARMS, INC. PACA Docket No. 2-4189. Order for undisputed amount 505

OXNARD FROZEN FOODS COOPERATIVE *v.* BRADY FARMS, INC. PACA Docket No. 2-4189. Dismissal — settlement between parties. 1322

PALMER AND COMPANY *v.* MICHAEL KING CORPORATION d/b/a KING BROKERAGE CO. PACA Docket No. 2-4382. Default 1467

PAM PAK DISTRIBUTORS, INC. *v.* C.H. ROBINSON CO. and/or R & C PRODUCE, INC. PACA Docket No. 2-4138. Purchaser — actual — Reparation against *R & C* 1663

Knowledge — of actual purchaser — Dismissal as to *C.H. Robinson Co.* 1663

Counterclaim — brokerage fees awarded 1663

PAM PAK DISTRIBUTORS, INC. *v.* TRUE VALUE FRUIT MARKET, INC. PACA Docket No. 2-4153. Default 354

PAPST ROBBINS, INC. *v.* ALVIE R. TRAMMELL, d/b/a OZARK POTATO CO. PACA Docket No. 2-4141. Default. 356

PARAMOUNT CITRUS ASSOCIATION, INC. *v.* LETSINGER PRODUCE, INC. PACA Docket No. 2-4449. Default 1961

PATRICK LEVATINO ASSOCIATES, LTD. *v.* CUSTOM PACKING, LTD. PACA Docket No. 2-4207. Default. 518

PAYTON PRODUCE *v.* MO-BAR PRODUCE COMPANY. PACA Docket No. 2-3727. Contract of sale — failure to prove — Consignment contract — failure to prove — Accord and satisfaction — failure to establish — Acceptance — Reparation 626

Counterclaim — dismissal of. 626

PET, INC. *v.* ROEN ORCHARDS. PACA Docket No. 2-3528. Order on reconsideration. 25

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

PHILADELPHIA PRODUCE CREDIT & COLLECTION BUREAU *v.* A.J. CAMP, INC. PACA Docket No. 2-4265. Default 637

PHILADELPHIA PRODUCE CREDIT & COLLECTION BUREAU *v.* HAROLD J. STABILE PRODUCE, INC. PACA Docket No. 2-4344 — Default. 1326

PILIBOS SALES, INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4212. Default 518

PEARL GRANGE FRUIT EXCHANGE, INC. *v.* STILWELL FOODS and/or PHILLIPS FOOD BROKERAGE, INC. PACA Docket No. 2-3577. Express warranty as to grade — Burden of proof — failure to sustain — Reparation 752

Counterclaim — Brokerage due — failure to pay — Reparation 752

PRODUCE DYNAMICS, INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4257. Default 634

PURE GOLD, INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4256. Default 635

PURE GOLD, INC. *v.* DAVID W. HENNING, d/b/a WESTERN SHIPPERS TRADING COMPANY. PACA Docket No. 2-4096. Dismissal on request of parties 1692

PURE GOLD, INC. *v.* DAVID W. HENNING, d/b/a WESTERN SHIPPERS TRADING COMPANY. PACA Docket No. 2-4096. Admission of liability 1466

R. T. ENGLUND COMPANY *v.* KING BROKERAGE CO. PACA Docket No. 2-4225. Default 519

R. T. ENGLUND COMPANY *v.* MENDENHALL DIST. CO., INC. PACA Docket No. 2-4195. Default 517

R. T. ENGLUND COMPANY *v.* GORDON'S, INC. PACA Docket No. 2-4101. Default 349

R. T. FRENCH COMPANY, THE *v.* ALVIE R. TRAMMELL, d/b/a OZARK POTATO CO. PACA Docket No. 2-4174. Default 423

R. V. SAUR & SONS ORCHARDS, INC. *v.* BIG D BROKERAGE CO., INC. PACA Docket No. 2-4025. Default 57

RAM'S PRODUCE & MELON GARDEN. PACA Docket No. 2-4061. Dismissal — withdrawal of application for license 345

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

RATLIFT POTATO CO., INC. *v.* A. J. CAMP, PACA Docket No. 2-4258. Default 635

RAY FLEMMING FRUIT SALES, INC. PACA Docket No. 2-3452. Agency — failure to establish — Flagrant and repeated violations — failure to pay promptly and in full — Notice and opportunity to comply with payment provisions — Failure to comply — Sanction. 1288

READY PAC PRODUCE, INC *v.* RICHARD ABRAHAM WARDY, d/b/a RICHARD'S PRODUCE CO. PACA Docket No. 2-4352. Default 1326

READY PAC PRODUCE, INC. *v.* WESTERN FRUIT & CANDY CO. PACA Docket No. 2-4214. Default. 516

ROCKY FORD PRODUCE COMPANY *v.* GRIFFIN-HOLDER COMPANY, INC. PACA Docket No. 2-3884. Dismissal on request of parties. 1692

ROCKY PRODUCE INC. *v.* RAINBOW FOODS CO., INC, PACA Docket No. 2-4378. Default 1468

ROGERS PRODUCE CO. *v.* FELDMAN BROTHERS PRODUCE CO., INC. PACA Docket No. 2-4407. Dismissal — settlement between parties 1802

ROSBOUGH, ANTHONY J., d/b/a TONY ROSBOUGH PRODUCE SALES *v.* DON G. TERRY, d/b/a IMPERIAL FRUIT & VEGETABLE CO. PACA Docket No. 2-4330. Default. 1325

ROY RUCKER PRODUCE *v.* KENNETH STOUT PRODUCE, INC. PACA Docket No. 2-4157. Default. 356

RUBY ROBINSON CO., INC. *v.* PROCACCI BROS. SALES CORP. PACA Docket No. 2-3706. F.o.b. transaction — potatoes — Contract terms — size and grade — Rejection — untimely and without reasonable cause — Diversion and reconsignment — resale in good faith — Damages — measure of — Reparation 408

RUSKIN VEGETABLE CORPORATION *v.* BLALOCK BROTHERS TOMATO, a/t/a BLALOCK BROTHERS WHOLESALE TOMATO REPACKERS. PACA Docket No. 2-4413. Default 1806

RUSS MATHEWS MARKETING SERVICE *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4156. Default 355

S. SEIDERBAUM, INC. PACA Docket No. 2-4376. Consent order. 1780

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

SAKATA RANCHES, INC. *v.* S. SEIDERBAUM, INC. PACA Docket No. 2-4220. Default 514

SALT CITY PRODUCE CO., INC. *v.* HAROLD J. STABILE PRODUCE, INC. PACA Docket No. 2-4250. Default 632

SALT CITY PRODUCE CO., INC. *v.* CHEF'S PRODUCE CO., INC. PACA Docket No. 2-4342. Default. 1326

SAMSEL, RALPH CHAPMAN, d/b/a RALPH SAMSEL COMPANY *v.* GORDON'S, INC. PACA Docket No. 2-4099. Default 349

SANZONE-PALMISANO CO. *v.* WINSTON A. REECE. PACA Docket No. 2-4377. Default 1693

SCHLANGER, WILLIAM J., d/b/a J. SCHLANGER & SONS *v.* BRUCE M. FELDMAN, d/b/a BRUCE M. FELDMAN FOOD SALES. PACA Docket No. 2-4010. Default. 56

SCHWARTZ, JOSEPH F. and JULES SCHWARTZ, d/b/a NEW MARKET PRODUCE COMPANY *v.* EUGENE G. WOODCOCK PRODUCE COMPANY. PACA Docket No. 2-3875. Dismissal — settlement between parties 760

SEALD-SWEET SALES, INC. *v.* CUSTOM PACKING LTD. PACA Docket No. 2-3993. Default 54

SEALD-SWEET SALES, INC. *v.* JACK HUEY, d/b/a H & M PRODUCE COMPANY. PACA Docket No. 2-4126. Default. 423

SEALD-SWEET SALES, INC. *v.* A.J. CAMP, INC. PACA Docket No. 2-4248. Default 637

SEALD-SWEET SALES, INC. *v.* POLING CORPORATION, INC. PACA Docket No. 2-4304. Default 765

SELECT MARKETING CO. *v.* PAT F. GO., d/b/a J & G PRE-PAK. PACA Docket No. 2-4316. Default. 766

SENINI ARIZONA, INC. *v.* BIG "D" BROKERAGE COMPANY, INC. PACA Docket No. 2-4007. Admission of liability. 346

SENINI ARIZONA, INC. *v.* A. J. CAMP, INC., PACA Docket No. 2-4231. Default 631

SENINI ARIZONA, INC. *v.* RAY BOLL and/or RAY BOLL, INC. PACA Docket No. 2-4391. Default. 1804

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

SILVER CREEK PACKING CO., INC. *v.* BEN RITTER. PACA Docket No. 2-3799. Rejection notice — failure to give — Mutual assent — failure to prove — Reparation 1682

SIMPSON SALES AGENCY, INC. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4184. Default 514

SINALOA PRODUCE CO., INC. *v.* BLALOCK BROTHERS TOMATO, a/t/a BLALOCK BROTHERS WHOLESALE TOMATO REPACKERS. PACA Docket No. 2-4411. Default 1805

SINCLAIR, PAUL L., d/b/a TENNESSEE MOUNTAIN GROWERS *v.* TOMGIRL TOMATOE PACKING OF MIAMI, INC. PACA Docket No. 2-4140. Default 355

SIX L'S PACKING COMPANY, INC. *v.* LEON W. BUNCE, d/b/a TAR HEEL TOMATO COMPANY. PACA Docket No. 2-4110. Default 348

SIX L'S PACKING COMPANY, INC. *v.* SHIPPERS SERVICE CO., INC. PACA Docket No. 2-3907. Dismissal — settlement between parties 174

SIX L'S PACKING COMPANY, INC. *v.* TOMGIRL TOMATOE PACKING OF MIAMI, INC. PACA Docket No. 2-4176. Default 423

SIX L'S PACKING COMPANY, INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4213. Default 516

SIX L'S PACKING COMPANY, INC. *v.* TARBOX BROS. PACA Docket No. 2-4350. Default 1327

SKYVIEW COOLING CO. *v.* GRAND PRAIRIE PRODUCE BROKERAGE, INC. PACA Docket No. 2-4041. Default 176

SMELTZER ORCHARD COMPANY *v.* NORTHWEST COLD PACK COMPANY. PACA Docket No. 2-4173. Default 515

SNOKIST GROWERS *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4177. Default 423

SOL SALINS, INC. *v.* PAPPAS PRODUCE, INC. PACA Docket No. 2-4398. Default 1469

SOLT, MAURE, VERA M. SOLT, and DONALD C. SOLT, Copartners, d/b/a MAURE SOLT COMPANY. PACA Docket No. 2-3952. Agreed purchase prices — failure to pay and failure to remit after collecting — Bankruptcy proceeding — not a bar to administrative disciplinary proceeding — Request for hearing — untimely and purposeless — Sanction 721

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

SOUTHLAND PRODUCE COMPANY, d/b/a WEST FRUIT COMPANY *v.* DARSEL FRANKLIN. d/b/a PYRAMID PRODUCE. PACA Docket No. 2-4050. Admission of liability 174

SOUTHWEST PRODUCE, INC. PACA Docket No. 2-2997. Removal of stay 631

SPADA DISTRIBUTING CO., INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4239. Default 636

SPIEGL FOODS, INC. *v.* EAST COAST FISHERIES, INC. PACA Docket No. 2-4223. Dismissal — settlement between parties. 761

STADELMAN FRUIT, INC. *v.* JACK VANDENBERG, INC. PACA Docket No. 2-4001. Dismissal — settlement between parties. 1466

STANDARD FRUIT AND STEAMSHIP CO., DIVISION OF CASTLE & COOKE, INC. *v.* ANTHONY J. LEVATINO, INC. PACA Docket No. 2-4161. Default 515

STATE WODE SALES CO., INC. *v.* GEORGE VAN VALKENBURG, JR. d/b/a A & A PRODUCE, INC. PACA Docket No. 2-4380. Default 1693

STAYTON CANNING CO. COOP. *v.* BRADY FARMS, INC. PACA Docket No. 2-4314. Default 1324

STUMLER BROS. *v.* TOMGIRL TOMATOE PACKING OF MIAMI, INC. PACA Docket No. 2-4070. Default. 177

SUMMIT PRODUCE, INCORPORATED *v.* JAMES POLLY, d/b/a STAR PRODUCE. PACA Docket No. 2-3684. F.o.b. transaction — suitable shipping condition — Damages — measure of — Gross proceeds — less expenses attributable to breach accepted as value of goods delivered — Suitable shipping condition — breach of warranty of — Reparation 41

SUNDQUIST FRUIT & COLD STORAGE, INC. *v.* KELLNER FRUIT COMPANY, INC. PACA Docket No. 2-4271. Default 638

SUNKIST GROWERS, INC. *v.* CREST GROWERS, INC. PACA Docket No. 2-4329. Default 1325

SUNKIST GROWERS, INC. *v.* HAROLD J. STABILE PRODUCE, INC. PACA Docket No. 2-4379. Default 1693

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

SUNNY FARMS, INC. *v.* AMERICAN FRUIT PURVEYORS, INC. PACA Docket No. 2-3681. Payment agreement for balance owed — default on — Reparation 151

SUNNYSIDE-WATSONVILLE CORPORATION *v.* G. I. PRODUCE COMPANY, INC. PACA Docket No. 2-3651. Consignment — alleged misrepresentation to temperature — Burden of proof — failure to sustain — Dismissal 619

SUNNY STATE PRODUCE CO. *v.* HADDAD & SONS BROKERAGE. PACA Docket No. 2-3417. Order dismissing petition to rehear 37

SUTTON BROTHERS PRODUCE *v.* FARM FRESH PRODUCE CO., INC. PACA Docket No. 2-4028. Default. 55

SUTTON BROTHERS PRODUCE *v.* FARM FRESH PRODUCE CO., INC. PACA Docket No. 2-4028. Stay order — pending issuance of further 174

SUTTON BROTHERS PRODUCE *v.* FARM FRESH PRODUCE CO., INC. PACA Docket No. 2-4028. Order vacating prior order and reopening after default. 509

SWANSON, M. R. *v.* A. J. CAMP, INC. PACA Docket No. 2-4301. Default 762

TAHITIAN GROVES, INC. *v.* SELECT FRUIT AND TROPICAL PRODUCTS, INC. PACA Docket No. 2-4011. Default 56

TALLEY, JERRY L., d/b/a JERRY L. TALLEY & CO. *v.* FLOYD E. ROBINSON, d/b/a CONSUMERS & GROWERS. PACA Docket No. 2-4387. Default 1803

TAMOUZIAN BROTHERS, INC. *v.* GORDON'S, INC. PACA Docket No. 2-4158. Default 356

TATRO, JAMES E., d/b/a JAMES TATRO & SONS, INC. *v.* ALFRED TO. COOPER, d/b/a COOPER'S PRODUCE. PACA Docket No. 2-4187. Default 424

TENNESSEE MOUNTAIN GROWERS *v.* ST. LOUIS BANANA & TOMATO CO., INC. and/or THE GILBERT BROKERAGE CO. PACA Docket No. 2-4027. Notice — absence of prior to payment — Contract obligations — discharge of — Dismissal as to *St. Louis Banana & Tomato Co.* 1273

Accounting — false and incorrect — Receipt of payment — failure to forward — reparation against *The Gilbert Brokerage Co.* 1273

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

TEXAS CITRUS EXCHANGE *v.* KENNETH STOUT PRODUCE, INC. PACA Docket No. 2-4122. Default. 353

THIELE, CARYLE R. *v.* WALTER SLOAN. PACA Docket No. 2-3934. Express warranty — failure to establish breach of — Merchantability — warranty of not applicable — Suitable shipping condition — warranty of not applicable — Reparation 1462

TIMBERLINE PRODUCE CO., INC. *v.* ALVIE R. TRAMMELL, d/b/a OZARK POTATO CO. PACA Docket No. 2-4175. Default 423

TIMBER RIDGE FRUIT FARM *v.* CROWN ORCHARD COMPANY. PACA Docket No. 2-3213. Order on reconsideration 24

TOM LANGE CO., INC. *v.* GEORGE JOHN LEGGIO. PACA Docket No. 2-3979. Admission of liability 53

TOM LANGE COMPANY, INC. *v.* ELIZONDO BROS. PRODUCE, INC. PACA Docket No. 2-4020. Default. 177

TOM LANGE CO., INC. *v.* SALINAS LETTUCE FARMERS COOPERATIVE. PACA Docket Nos. 2-3551 and 2-3552. Advances — recovery of — Agency — rule of — Agency authority — scope of — Broker-agent — good faith execution of principal's contract — Overpayment — recovery of — Reparation 401

Counterclaim — dismissal of 401

TONY VITRANO COMPANY *v.* J. HUBBARD PRODUCE CO. PACA Docket No. 2-4393. Default 1804

TOYO TRADING COMPANY *v.* PACIFIC FRUIT AND PRODUCE COMPANY and/or VALDORA PRODUCE COMPANY, INC. PACA Docket No. 2-3288. Contract — failure to prove breah of — Dismissal. 1306-07

Contractual relationship — absence of — Dismissal. 1306-07

Prevailing party — award of fees and expenses to *Valdora Produce Co.* 1306-07

TRAMMELL, ALVIE R., d/b/a OZARK POTATO CO. PACA Docket No. 2-4168. Flagrant and repeated violations — failure to pay — Sanction 1797

TROPICANA TRADING CORPORATION *v.* YELLOGOLD BANANA COMPANY. PACA Docket No. 2-4080. Default. 347

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

VALLEY AVACADO SALES, INC. *v.* WALSH TROPICAL FRUIT SALES. PACA Docket No. 2-3886. Suitable shipping conditions — warranty of not applicable — Agreed contract destination — established — Contract price — failure to pay — Reparation 1776

VALLEY FARM PRODUCE CO., INC. *v.* PARAMOUNT TOMATO & PRODUCE, INC. PACA Docket No. 2-3988. Default. 55

VALLEY FARM PRODUCE, INC. PACA Docket No. 2-4334. Failure to pay promptly and in full — wilfull, flagrant and repeated violations — Sanction 1944

VALLEY ONIONS, INC. *v.* PAN-AM FOODS CO. PACA Docket No. 2-4446. Default 1961

VALLEY ONIONS, INC. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4119. Default 350

VALLEY ONIONS, INC. *v.* LOMBARDO FRUIT & PRODUCE CO. and/or THE GILBERT BROKERAGE CO. PACA Docket No. 2-4113. Reparation order and Order of Dismissal 1686

VAN BUREN COUNTY FRUIT EXCHANGE OF FLORIDA, INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4247. Default 632

VAN DE WALLE FARMS, INC. *v.* AMERICAN POTATO COMPANY. PACA Docket No. 2-3992. Default. 54

VEG-PAK, INC. *v.* B. T. CRONE PROD., INC. PACA Docket No. 2-4182. Default 515

VICTOR FRUIT GROWERS, INC. *v.* AIR TRANSPORT SYSTEMS, INC. PACA Docket No. 2-3738. Dismissal — on authorization of complainant 513

VICTOR FRUIT GROWERS, INC. *v.* THE GILBERT BROKERAGE CO. PACA Docket No. 2-4118. Default. 351

VIRGINIA FRUIT SALES SERVICE, INC. *v.* CUSTOM PACKING LTD. PACA Docket No. 2-4108. Default. 348

VIRGINIA FRUIT SALES SERVICE, INC. *v.* CUSTOM PACKING LTD. PACA Docket No. 2-4108. Dismissal — settled in civil action and judgment 422

VISTA SALES *v.* GRAND PRAIRIE PRODUCE BROKERAGE, INC. PACA Docket No. 2-3990. Default. 55

Perishable Agricultural Commodities Act, 1930-Cont.

Page

Agriculture Decisions—Cont.

VUKASOVICH, INC. *v.* BIG D BROKERAGE COMPANY, INC. PACA Docket No. 2-3916. Order denying petition to reopen and Reinstating prior order 338

W. CHAS. HEITMULLER CO., INC. *v.* JAMES N. PAPPAS & SON, INC. and/or PAPPAS PRODUCE, INC. PACA Docket No. 2-4396. Order of dismissal 1957

W. C. GARDEN FRESH, INC. *v.* B. T. CRONE PROD. INC. PACA Docket No. 2-4131. Default 355

W. C. GARDEN FRESH, INC. *v.* FELDMAN COMMISSION CO., INC. PACA Docket No. 2-4427. Default 1807

WARD BAKING COMPANY, INC. *v.* RED CHEEK, INC. PACA Docket No. 2-4148. Dismissal — settlement between parties 1466

WASHBURN POTATO CO. *v.* VIRGINIA WHOLESALE CO. PACA Docket No. 2-3872. Contract — breach of — Rejection with reasonable cause — Dismissal 342

WASHINGTON AGRICULTURAL MARKETING ASSOCIATION, INC. *v.* TABOR HILL VINEYARDS & WINECELLAR, INC. PACA Docket No. 2-4327. Default 1325

WASHINGTON FRUIT & PRODUCE CO., *v.* LESTINGER PRODUCE, INC. PACA Docket No. 2-4447. Default 1962

WAYNE VOHLAND PRODUCE COMPANY, THE *v.* MR. SPUD, INC. PACA Docket No. 2-4188. Default 424

WAYNE VOHLAND PRODUCE COMPANY, THE *v.* HERMAN KIMES & SON PRODUCE. PACA Docket No. 2-4341. Default 1327

WELBORN & MANSFIELD *v.* B. T. CRONE PROD., INC. PACA Docket No. 2-4194. Default 517

WELLS & WADE FRUIT COMPANY *v.* JOE COPPOLA & CO. INC. PACA Docket No. 2-4435. Default 1959

WENATCHEE WENOKE GROWERS ASSN. *v.* JOE COPPOLA & CO., INC. PACA Docket No. 2-4457. Default 1959

WEST COAST PACKERS, INC. *v.* CORVALLIS FROZEN FOODS. PACA Docket No. 2-3635. Dismissal — settlement between parties 630

Perishable Agricultural Commodities Act, 1930—Cont.

Page

Agriculture Decisions—Cont.

WEST INDIES FOOD & IMPORTING, INC. *v.* J. RUSSO. PACA Docket No. 2-4004. Dismissal — settlement between parties. 422

WESTERN FRUIT AND CANDY COMPANY. PACA Docket No. 2-3752. Consent order — Sanction. 156

WESTERN MIXERS, INC. *v.* CREST GROWERS, INC. PACA Docket No. 2-4292. Default 764

WINCHESTER APPLE GROWERS ASSN., INC. *v.* CUSTOM PACKING, LTD. PACA Docket No. 2-3735. Set off — allowance of — Net amount due — Reparation for 758

WO SOON PRODUCE CO. *v.* NEW SUN KONG COMPANY. PACA Docket No. 2-4351. Default 1327

ZOLLER DISTRIBUTING, INC. *v.* A. J. CAMP, INC. PACA Docket No. 2-4232. Default 631

COURT DECISIONS

J. ACEVEDO AND SONS et al. *v.* UNITED STATES and EARL L. BUTZ. SOUTHWEST PRODUCE, INC. *v.* EARL L. BUTZ. Nos. 75-1359, 75-1380. Fifth Cir. Upholding Secretary's decisions (34 A.D. 120 and 34 A.D. 160). 46

MAINE POTATO GROWERS *v.* EARL L. BUTZ, and The United States. First Cir. Affirming decision in 34 A.D. 773 1311

MARVIN TRAGASH CO., INC. *v.* UNITED STATES DEPARTMENT OF AGRICULTURE, Earl L. Butz. No. 75-1481. Fifth Cir. Upholding Secretary's decision (33 A.D. 1884) 48

Agriculture Decisions

January - December 1976

Page

AGRICULTURAL MARKETING AGREEMENT ACT, 1937

ADMINISTRATIVE PRACTICE

Department's rulemaking functions. 431

CLASSIFICATION AND PRICING

Skim milk in a fluid milk product. 61

COMPETITIVE DISADVANTAGE

Claim of 1477

CORRECTIVE ACTION

Left to the Secretary 431

CURRENT MARKETING PERIOD

Basis for. 1477

Definition of. 1477

DISMISSAL

Order of 1821

EVIDENCE OF RECORD

Secretary's actions based upon. 61

FILLED MILK PRODUCT

Defined as a fluid milk product 61

FLUID MILK PRODUCT

Subject to regulation under the Act, Section 608c 61

HOLDING

By Judicial Officer that past notice provisions complained of are not in accordance with law 431

JURISDICTION

Retained by Judicial Officer. 431

LOCATION ADJUSTMENTS

Differential to Class I prices. 1335

Order No. 126

Claims of illegality of. 1477

Page

Agricultural Marketing Agreement Act, 1937–Cont.

MILK MARKETING ORDERS

Challenges to "past" notice provisions of 431

MILK TRANSFERS

Distributing plant, pool plant. 1335

ORDER PROVISIONS

Properly applied. 1812

PARTIALLY REGULATED DISTRIBUTING PLANT

Route distribution less than 15% of total monthly fluid receipts 1335

PAST NOTICE PROVISIONS

As to Class II price 431

Alleged burden to regulated handlers 431

Held not in accordance with law 431

PETITION FOR RELIEF

Dismissal of 1812

PRODUCER-HANDLER

Loss of status as 1812

POOLING AND PRICING

Provisions of Order 36 1335

ROUTE DISPOSITION

Pool distributing plant. 1335

RULEMAKING AND ADJUDICATORY PROCEDURES

Distinction between 1477

RULE MAKING HEARINGS

Asst. Secretary's findings held inconclusive. 431

RULEMAKING PROCEEDING

Regulation of filled milk, filled milk product and milk products using nondairy ingredients 61

STATUTORY CONSTRUCTION

Legislative authority of the Secretary 61

Page

Agricultural Marketing Agreement Act, 1937–Cont.

TERMINATION OF PROCEEDING

Order for 1820

UNIFORM PRICE AND TRADE BARRIER PROVISIONS

Claims of violation of found to be without merit 1477

FEDERAL MEAT INSPECTION ACT

BINDING NEGOTIATIONS

Mutual assent to settle 1822

CONSENT SETTLEMENT

Agreement on is not conditional and may not be overturned 1822

FELONY

Conviction for 447

GIFTS

To meat inspector 447

INSPECTION SERVICE

Withdrawal of 447

Withdrawal of, *with provisions* 1822

SANCTION

Suspension of, *with provisions* 1822

SUSPENSION

Of Withdrawal and denial of inspection service 447

WITHDRAWAL OF SERVICE

Suspension of, as *provided* 447

GRAIN STANDARDS ACT

SETTLEMENT AGREEMENT

Order or dismissal 1835

HORSE PROTECTION ACT

ANSWER

Failure to file, admission of facts 645

Page

Horse Protection Act–Cont.

BURDEN OF PROOF

Sustained 1519

ECONOMIC IMPACT

Adverse, to owners or exhibitors of losing horses 185

EXCEPTIONAL CIRCUMSTANCES

Absence of 1519

EVIDENCE

Conflicting 538

EVIDENCE OF SORING

Established 1519

MERITS

Dismissal on 648

MOTION TO DISMISS

Granted 648

MOVEMENT IN COMMERCE

Failure to establish 648

PETITION FOR RECONSIDERATION

Denial of 1347

PREHEARING STIPULATION

Controlling and conclusive 1519

REDUCTION OF PENALTY

Erroneous

Absence of mitigating circumstances 1516

REQUEST FOR RELIEF

Denial of 538

SANCTIONS

Department's policy on 1516

SANCTION

Civil penalty of $500.00 — Consent 536, 1513

Horse Protection Act—Cont. **Page**

Civil penalty of $500.00 1165
Civil penalty of $1000 . . . . . 185, 645
Civil penalty of $2000 527

SORING

Constituting cruel and inhumane treatment 185, 527, 536, 645, 1513
Failure to prove 538

UNFAIR COMPETITION

Competing sored horse with unsored horses in horse show 185

INSPECTION AND GRADING ACT

ALTERATIONS

Of markings on officially accepted product 190

EGG PRODUCTS INSPECTION SERVICE

Withdrawal and termination of 651

GRADING AND ACCEPTANCE SERVICES

Withdrawal and denial of 542

INSPECTION CERTIFICATES

False 1715

MEAT GRADING AND ACCEPTANCE SERVICES

Withdrawal of 190

OFFICIAL PLANT APPROVAL

Termination of 651

OFFICIALLY ACCEPTED PRODUCT

Alteration of markings on 190

PLANT PREMISES AND EQUIPMENT

State of repair and sanitary conditions 651

REGULATIONS AND RULES

Failure to comply with 651,654
Meat grading
Infraction of 190

Inspection and Grading Act—Cont. Page

SANCTION

Withdrawal and denial of grading and acceptance services — Consent 542,1350

Withdrawal of grading and acceptance services for 30 days — Consent 654

Denial of inspection and grading services for 18 months 1715

UNLAWFUL INTERFERENCE

With Federal-State Inspector 1715

Page

LABORATORY ANIMAL WELFARE ACT

ANNUAL LICENSE FEES

Failure to pay 5, 89, 656, 1181, 1836, 1839

ANNUAL REPORTS

Failure to file 5, 1181, 1836, 1839

CARE AND FEEDING

Failure to comply with regulations and standards for 452

Housing and food supplies 464

Disease and injury hazards 464

CLEANLINESS AND REPAIR

Standards for

Failure to comply with 192

CONSENT ORDER

Sanction 450,474

CORPORATE ENTITY

Absence of abuse of 457

Piercing of the corporate veil not warranted 457

CORPORATE LICENSEE

Not a party to proceeding 457, 1175

CORPORATE VEIL

Piercing of not permissible 1175

Laboratory Animal Welfare Act—Cont. **Page**

EQUITABLE ESTOPPEL

Not applicable 464

EVIDENCE

As to circumstances existing at time of offer for transportation 1353

FOOD SUPPLY AND STORAGE

Inadequate for protection against infestation and contamination 464

HOUSING FACILITIES

Disease and injury hazards 452

HOUSING OF ANIMALS

Regulations and standards for 369

IDENTIFICATION

Failure to furnish 1353

INDIVIDUAL RESPONDENT

Not under jurisdiction of the Secretary 1175

INSPECTION

Failure and refusal to permit 464

Failure to conduct at St. Louis Airport 1353

Untimely 1353

INTENT

Lack of irrelevant 464

JURISDICTION

Absence of 457, 1175

MISTAKEN ACTION

By inspector not a bar to disciplinary proceeding

A statute's protection of the public may not be barred by reason of equitable estoppel due to mistaken action of lack of action by a public official 464

PRIMARY ENCLOSURES

Construction and maintenance of 86, 192, 544, 1353

Transportation standards for 195

Laboratory Animal Welfare Act—Cont. **Page**

PREMISES

Cleanliness and repair standards 192

REQUIRED FORMS ANH 18-6

Failure to send with shipments 1353

Incomplete 1353

RECORDS

Failure to maintain 1836

Failure to keep and maintain in accordance with regulations . . . 195, 452, 474, 544

Incomplete 464

REGULATIONS AND STANDARDS

Failure to comply with 86, 89, 192, 195, 454, 452, 658

For transporting dogs, failure to comply with 544

SANCTION

Revocation of license 195

Suspension for 21 days 450, 474, 544

Suspension as exhibitor for 14 days 369

Suspension for 28 days - Consent 656

Suspension for 30 days and until in full compliance with the regulations and standards — Consent 658

Suspension until fees have been paid and reports filed 1181

Suspension until in full compliance with provisions of the Act and the regulations — Consent 1839

Suspension for 60 days 452

Suspension for 90 days 464

Suspension for 45 days 1839

Suspension for 10 days 1353

PACKERS AND STOCKYARDS ACT, 1921

ACCESS

To scales

Failure to provide 1751

ACCOUNTING

False and incorrect 106, 1553, 1552, 1876

Made a part of accounts and records 1533, 1552

Packers and Stockyards Act, 1921—Cont. **Page**

Collecting on the basis of arbitrarily increased prices in addition to collecting buying commission. 106

On the basis of false and incorrect weights 1388

On other than actual carcass weights. 1876

ACCOUNTS AND RECORDS

Failure to establish and maintain 117, 1602

Incomplete or incorrect 206,242,267,378,1195,1398,1414,1565,1747,1900

Failure to comply with order to properly keep 267

ACCOUNTS OF SALE

Incomplete or incorrect. 1388, 1398, 1403, 1407, 1414

Made a part of accounts and records 1388, 1398, 1403, 1407, 1414

ADJUSTMENTS OR ALLOWANCES

Allowances in lieu of expenses 267

ADJUSTED EXPENSES

Additions to. 267

ADMISSION OF FACTS

Failure to file answer. . . . 206, 242, 267, 378, 1195, 1398, 1414, 1565, 1747, 1900

AGENT

Scope of duties 1206

AGREED PURCHASE PRICES

Failure to pay promptly and in full 394

AGREEMENT TO DECEIVE

Sellers and buyers by false entried on scale tickets, purchase invoices, and billings 704

AGREEMENT TO DELIVER

Established and fulfilled 1849

AGREEMENT TO RESCIND

Failure to prove 387

AMOUNTS RECEIVED

Treated as commissions 1206

Packers and Stockyards Act, 1921 - Cont. **Page**

ANSWER

Failure to file 209, 605, 697, 1388, 1393, 1424, 1575, 1584, 1593, 1624, 1897, 1903

AUCTION STOCKYARDS

Differences from terminal stockyards 267

Income from allowance computed by the Department for a working owner of 267

Operational efficiency problems of 267

Ratemaking principles applicable to 267

BAD DEBTS

An auction stockyard owner may not impose the consequences of his losses upon shippers 267

Losses incurred during base period 267

Removed and replaced with allowance 267

BASE PERIOD

Analysis of 267

BANKRUPTCY PROCEEDING

Not a ground for dismissal 1388

BILLINGS AND INVOICES

False and incorrect 572, 689, 704

Made a part of accounts and records 572, 689, 704

BUILDINGS AND EQUIPMENT

Return on 267

Original cost less depreciation 267

BONDING REQUIREMENTS

Failure to comply with . . 8, 110, 209, 249, 263, 376, 378, 385, 565, 568, 576, 700, 708, 1189, 1195, 1222, 1224, 1227, 1381, 1868

BURDEN OF PROOF

Failure to sustain 394, 1206

CARCASS GRADES

False and incorrect 1602

Paying on the basis of 1602

Packers and Stockyards Act, 1921—Cont. **Page**

CERTIFIED QUESTIONS

Ruling on 1599

CHECKS OR DRAFTS

Failure to honor drafts 137, 582, 1871, 1900

Failure to accept drafts or to make funds available to pay them 1843

Insufficient funds checks . . 126, 132, 134, 145, 206, 217, 253, 378, 548, 565, 576, 582, 591, 597, 665, 686, 689, 697, 1203, 1218, 1369, 1376, 1388, 1593, 1624, 1736, 1849, 1859, 1879, 1903 1907

COMMINGLING

Of consigned livestock without consent of owners 551

COMMISSION

Nonentitlement to 1206

Repayment ordered 1206

Paid by sellers in market support expenses 267

Receipt of absent selling services 258

CONSENT ORDER - Cease and desist

Accounting 106

Accounts and records 103, 1195, 1398, 1602

Billings and invoices 106, 704

Bonding requirements 143, 568, 702, 1195, 1222, 1593, 1733, 1758

Checks or drafts 103, 490, 582, 686, 693, 1230, 1545

Custodial account 693

Financial requirements . . . . . .

Improper practices 704, 1398

Insolvency 480

Money payments absent services 140

Scales 106, 1421, 1751

Unjust practices 140, 387

Weighing equipment 1421

CONSENT ORDER - Sanction

Accounts and records 680, 1540

Bonding requirements 8, 1227, 1868

Checks or drafts 565, 576, 591, 675, 680, 711, 1900

Custodial account 14, 586, 591, 601, 1376, 1628

Packers and Stockyards Act, 1921—Cont. **Page**
False and incorrect weights 1388, 1565
Financial requirements 8, 1369
Improper practices 1407, 1414
Insolvency 8, 1369
Scales and scale tickets 586, 1565

CONSIGNED LIVESTOCK

Purchase of for speculative purposes by owner and officer of the market to which consignment made 113

CONSIGNMENT SALES

Dressed meat from consigned livestock 1865
Net proceeds of 1865

CONTRACT

Absence of 222
Alleged rescission of, failure to prove 387
Sales agreement
Feeder calves, partially unfulfilled 1533
Supplemented by terms of trade custom 129

CONTRACT TERMS

Complied with as supplemented 129
Preprinted portions of as to weights and charges are adverse to owners 1533
Failure to comply with 485

CORPORATE ENTITY

Inclusion of in terms of cease and desist and suspension orders justified 1604
Misuse of 1879

CORPORATION

Formation of for purposes of circumvention or evasion 1604

CORPORATE SEPARATENESS

Negation of 1552

CUSTODIAL ACCOUNT FOR SHIPPERS PROCEEDS

Deficiencies in 14, 98, 253, 382, 601, 675, 680, 1376, 1414, 1747
Failure to use and to maintain in conformity with regulations . . 14, 98, 253, 382, 586, 591, 675, 680, 1376, 1414

Packers and Stockyards Act, 1921—Cont. **Page**

CUSTOMER FUNDS

Wrongful use of 1533

DAMAGES

Measure of 222, 387, 171

DEALER TRANSACTIONS

Established 113

DEALER AND MARKET AGENCY

Failure to register as does not alter the fact of being such as defined in the Act 1849

DEDUCTIONS

Improper

Deducting greater "tare" weights than actual 1876

DEFRAUDED SELLER

Rights of 1584

DELIVERY

Refusal to accept 222

Time of 485

DELIVERED PRICE

Specified 485

DIFFERENTIAL

Shareholder and nonshareholder prices 258

DUAL PRICING SYSTEM

Utilization of in livestock purchases 258

EVIDENCE

Insufficiency of as to firm agreement 222

EXPENSES REPLACED BY ALLOWANCES

Four categories 267

EXPRESS AGREEMENT

Absence of, as to late payment 493, 668

Packers and Stockyards Act, 1921—Cont. Page

FAILURE TO PAY

Knowledge of 1584

FAILURE TO PAY IN FULL

Unjustified 394

FAILURE TO PAY WHEN DUE

Agreed purchase prices 572, 582, 688, 697

FALSE AND INCORRECT WEIGHTS

Paying sellers on the basis of 1388, 1403, 1407, 1552

Selling to, and collecting from, buyers on the basis of 572, 1604

Weighing livestock or livestock carcasses at less than their true and correct weights 392, 1388

FALSE AND MISLEADING NAMES

Consigning livestock in 551

FINANCIAL REQUIREMENTS

Failure to meet 8, 572, 586, 1372, 1393, 1859, 1879

FLAGRANT AND REPEATED VIOLATIONS

Failure to pay 1376, 1871, 1879

FORMULA FOR OWNER'S COMPENSATION

Adequacy of 267

FULL IDENTITY

Failure to disclose 1450

GOOD FAITH PURCHASES

Failure to prove 1575, 1584

Knowledge that the person selling livestock did not have good title thereto 1575, 1584

GUARANTEED MINIMUM PRICE

For consignments 601

HOUSING

Caretaker's

Expenses incident to are reasonable and allowable 267

Page

Packers and Stockyards Act, 1921–Cont.

IMPROPER PRACTICES

Employing as auctioneer and weighman persons engaged as dealers 98

Permitting employees to purchase consigned livestock for own speculative accounts 98, 680, 1398, 1407, 1414, 1540, 1747

Financial interest of officer 680

Financing independent and separately registered dealers 1414, 1540

Being guarantor on loans made by bank for purchases of livestock to be sold in commerce 1907

Establishing account for the financing of independent and separately registered dealers. . . . . .

INFECTED LIVESTOCK

Concealment and sale of. 242

INSOLVENCY

Current liabilities exceeding current assets . 8, 217, 480, 548, 576, 597, 680, 1369, 1372, 1393, 1628, 1859

INSPECTION

Untimely 222

INVOICES

False and incorrect. 106

Made a part of accounts and records 106

Incomplete or incorrect 1540

Made a part of accounts and records. 1540

MARKET AGENCY AND DEALER

Financing other dealers in violation of the Act. 1907

Operating while insolvent 480

MARKED UP PRICES

Collecting and paying on the basis of 689

MARKET PRICE

At time of delivery and at time of rejection 222

MARKET SUPPORT

Allowance for losses. 267

Commissions paid by sellers. 267

Records inadequate to prove expenses 267

Page

Packers and Stockyards Act, 1921—Cont.

MISREPRESENTATION

Failure to prove 222

Selling by 1741

MOTION TO DISMISS

Granted 399

MOTION FOR REHEARING

Denial of 1731

NET PROCEEDS

Failure to remit 14, 591, 601, 693, 1533, 1859, 1865

NONEXISTENT RECEIVABLES

Borrowing against 1545, 1549

ORDER

Of dismissal 265, 399, 548, 557, 1863, 1864

Of continuance pending court action 601

On reconsideration 212, 232

OWNERSHIP

Failure to disclose 586

OWNERSHIP INTERESTS

Dual 258

OWNER'S COMPENSATION

Allowance for as worker and manager 267

Formula for 267

PACKER

Purchasing while insolvent 1843

PASTURE RENT

Exclusion of

Not used and useful for stockyard business 267

PAYMENTS

Unduly and unreasonably preferential 1545, 1549

Packers and Stockyards Act, 1921—Cont. Page

PRE-HEAD-WEIGHT TARIFF SCHEDULE

As opposed to valuation tariff 267

Found to be reasonable and lawful 267

PRETESTING

For purpose of removing infected livestock prior to official inspection 242

PROCEEDS OF SALE

Withholding of 1575, 1584

Use of for purposes other than lawful marketing charges and remittance of net proceeds 1540

PURCHASE PRICE

Failure to pay when due 217, 548, 591, 605, 1545, 1549, 1624, 1843, 1900

RATE REGULATION

In the public interest 267

Legislative history, 1958 amendments 267

RATEMAKING PRINCIPLES

Applicable to auction stockyards 267

RATE OF RETURN

Consistency and reasonableness of 267

REASONABLE REVENUE REQUIREMENTS

Increase in does not result in a change in proposed tariff 267

RECONSIGNMENT

Of injured animal for slaughter not unjustified or unreasonable 372

REJECTION

Untimely 222

REPURCHASING

Without proper accounting to principal 551

RESALE ON TRANSFER-OF-WEIGHT BASIS

Representing weights of livestock at more than true and correct weights 1565

Issuing sales invoices based upon 1565

SANCTION

Suspension until in full compliance with bonding requirements 209, 498, 570, 1868, 1897
Suspension until deficit in custodial account is eliminated. 1747
Suspension until no longer insolvent 1628, 1859
Suspension for 7 days 382, 548, 591, 1381, 1414, 1540, 1903
Suspension for 6 days. 586, 1403
Suspension for 10 days. 1366, 1376, 1624
Suspension for 15 days. 586
Suspension for 21 days. 1407
Suspension for 30 days 605, 206, 572, 1372, 1369, 1552, 1604, 1879
Suspension for 60 days. 217, 242, 1393
Suspension for 90 days. 576, 1565

SCALES

Backbalancing of 1552, 1565
Inaccuracy of 392, 1421
Failure to repair and retest or to replace 1421
Operation of 586, 1388, 1407
Failure to test and inspect 1751
Failure to provide access to 1751

SCALE TICKETS

Failure to issue. 1552, 1565
Failure to prepare in accordance with regulations 1552
Failure to retain as part of accounts and records 1565
False and incorrect. 704, 1604
Made a part of accounts and records. 704
Incomplete or incorrect 586, 601, 1407

SECURITY INTEREST

Reservation of by sellers 1575

TRANSFER OF FUNDS

Causing depletion of funds for dealer market agency operations 1879

TRUCKING AND HAULING

Expenses for disallowed absent records in support of 267

UNIFORM TRANSPORTING EQUIPMENT

Failure to use 1876

Packers and Stockyards Act, 1921—Cont. **Page**

UNJUST PRACTICE

Failure to pay 493, 222, 387, 1575, 1584, 1849
Failure to perform 1206
Failure to deliver 485
Refusal to accept delivery 222

WEIGHING EQUIPMENT

Hooks and rollers 1421
Non-standard 1421

WEIGHTS

False and incorrect 572
Billing and collecting on the basis of 572

WORKING OWNER

Allowances for 267
Of auction stockyard
Income computed for 267

PERISHABLE AGRICULTURAL COMMODITIES ACT, 1930

ABNORMAL TRANSIT CONDITIONS

Evidence of 1673
Risk of loss due to 1673

ACCEPTANCE

By diversion 1253
By dominion and control and untimely notice of rejection 1436
By failure to reject and by unloading 1913
By unauthorized resale 1449
Without complaint 1250

ACCORD AND SATISFACTION

Failure to establish 613, 626, 506

ACCOUNTING

Failure to furnish 1789
False and incorrect 158, 1273

ADDITIONAL DAMAGES

Claim for denied 1931

Packers and Stockyards Act, 1921—Cont. **Page**

ADJUSTMENTS OR ALLOWANCES

Reduction due to condition defects. 1931

ADVANCES

Recovery of dependent on scope of agency 401

ADVERSE WEATHER

Detrimental effect of 726

AGENCY

Failure to establish. 1288, 1432

Rule of 401

Scope and authority 401, 412

AGENT

For partially undisclosed principal. 1253

Payment to absent authority to collect. 412

AUTHORITY

Of broker, limitation on 1947

AUTHORITY TO PURCHASE

Evidence of 739

BANKRUPTCY PROCEEDINGS

Not a bar 721

BREACH OF TRUST

By failure to remit in full to joint account partners 26

BREACH OF WARRANTY

Failure to prove 1668

BROKER-AGENT

Rule of law as to reimbursement for expenditures or losses resulting from good faith performance of duties. 401

BROKER

Authority of. 1429, 1935, 1940

Failure to remit monies due principals 171

Collection by without authority 1432

Perishable Agricultural Commodities Act, 1930—Cont. **Page**

Termination of authority of upon negotiation of purchase and sale 1429

Further action by after purchase and sale must be expressly authorized 1429

Payment to does not constitute payment to seller 1432, 1947

Collecting and failing to remit 721, 1935

BROKER'S LIABILITY

When a sale is made to a broker acting for an undisclosed principal, upon breach by the principal the broker is personally liable upon the contract 153

BROKERAGE DUE AND OWING

Failure to pay 752

BURDEN OF PROOF

Failure to sustain 752, 1429, 1766, 1782, 1927

Sustained 726, 1786

CAUSE OF ACTION

Failure to establish 1663, 1668

CHECKS IN ISSUE

Accepted, as payment on ongoing debt 749

CHECKS OR DRAFTS

Insufficient funds checks 151

CLAIM OF TOTAL WEIGHT SHORTAGE

Failure to prove 1766

CONDITION

Abnormal deterioration 1653

Absence of evidence as to 1789

Evidence of 1771

Knowledge of 1280

CONDITION DEFECTS

Adjustment for 1931

Bacterial soft rot, lettuce 1952

Perishable Agricultural Commodities Act, 1930—Cont. Page

CONSIGNMENT

Claim of unsupported by evidence 417

CONSIGNMENT AGREEMENT

Obtained through false and misleading information 1253
Right of rescission of 1253
Validity of 1952

CONSIGNMENT CONTRACT

Failure to prove 626

CONTRACT

Absence of 1283
Breach of 153, 333, 342, 742, 1276, 1436, 1659
Failure to prove breach of 161, 339, 1445, 1306, 1766
Modification of 726

CONTRACT PRICE

Failure to pay 742, 1782, 1786, 1645
Reduction of 1931
Set-off against damages 742

CONTRACT TERMS

Delivered sale 1253
F. o. b. transaction 1264
Correct, as per confirmation of sale listing 330
Precooling, failure to observe 333
Shipping date, failure to observe 342
Freedom from ripeness, apples for export 1913

CONTRACTUAL RELATIONSHIP

Absence of 1306

CORRECTED CONFIRMATION

Absence of 330

COUNTERCLAIM

Dismissal of 626, 718
Broker's fees awarded 1663

page

Perishable Agricultural Commodities Act—Cont.

COVER PURCHASE

Recovery of 742

DAMAGE

Failure to show extent of 1673

DAMAGES

Absence of 733
Failure to prove 1276, 1499, 1452, 1659
Measure of 333, 408, 1436, 1445, 1653, 1259, 1913, 1918
Net amount of 742

DEDUCTION

Failure to justify 1452
Unauthorized and unjustified. 623, 718
Wrongful 1673

DELAY IN TRANSIT

Abnormal transportation service and conditions 38
Not contributing to decay 333
Not caused by shipper, risk of loss must be borne by purchaser 1923

DELIVERY

Failure to accept. 326

DELIVERED SALE

Acceptance, and failure to pay 1303

DIVERSION

Constituting acceptance. 1253

EVIDENCE

Absence of as to resale 1452
Insufficiency of. 408, 1449, 626, 1913, 1927
Of damage by adverse weather 726
Memorandum of sale 1663
Non supportive, unverified and undated statements 339

EXPRESS AGREEMENT

To precool prior to shipment 333
Failure to observe 333

Perishable Agricultural Commodities Act, 1930—Cont. Page

EXPRESS WARRANTY

Absence of, as to grade. 1771

Breach of 1913, 1931

Failure to prove 417, 1782

Failure to prove breach of. 408, 1462

FIDUCIARY OBLIGATION

Breach of trust in 26

FLAGRANT AND REPEATED VIOLATIONS

Failure to pay. 21,26,1288,1456,1631,1780,1795,1797,1799,1938,1944

F. O. B. TRANSACTION

Delay in transit, insubstantial 333

Good delivery standards. 38, 330

F. o. b. as to price 1673

Delivered as to condition 1673

Suitable shipping condition 38, 417, 1771, 1259

Risk of loss. 1300

GOOD DELIVERY STANDARDS

Met at contract destination 330

Warranty of applicable 417

Warranty of not applicable 38, 1923

GOODS DELIVERED

Value of 41

GROSS PROCEEDS OF SALE

Determined to be value of goods accepted 1918

Less expenses, accepted as value of goods delivered. 38

GUARANTEED PROFITS

Failure to prove agreement on 330

INSPECTION

Lateness of. 161

Scope of 1771

Availability of a destination. 1673

Failure to request 1673

Perishable Agricultural Commodities Act, 1930—Cont. **Page**

INSPECTION CERTIFICATES

Specific reading of 1913

INTERSTATE COMMERCE

Movement in established 1789

JOINT ACCOUNT TRANSACTIONS

Failure to account truly and correctly to joint account partner 1940

JURISDICTION

Established 749

Failure to establish. 1295

KNOWLEDGE

Of actual purchaser 1663

LATE ARRIVAL

Substantial to warrant rejection 342

LIABILITY

Absence of 1283

LICENSE

Termination of upon failure to renew. 1793

MARKET VALUE

Of undelivered goods 742

MERCHANTABILITY

Warranty of not applicable. 1280, 1462

Failure to prove breach of warranty of. 1449, 1668

Opportunity to inspect and inspection before purchase precludes later complaint 1449

MISREPRESENTATION

Failure to prove 1952

MEMORANDUM OF SALE

Absence of as to sales in issue. 412

MODIFIED CONTRACT PRICE

Accepted as value of good meeting contract requirements 41

Perishable Agricultural Commodities Act, 1930—Cont. **Page**

MUTUAL ASSENT

Failure to prove 1682

NET PROCEEDS

Collecting and failing to remit 1940

Failure to remit promptly 158

NET VALUE

Construction of 1789

Failure to pay 1789

NET AMOUNT

Of damages 742

NONDELIVERY

Resulting in damages 742

NOTICE

Absence of prior to payment 1273

Untimely, as to defects 623

NOTICE AND OPPORTUNITY

To demonstrate or achieve compliance 1288

NOTICE OF REJECTION

Untimely 161

NOVATION

Failure to establish 1300

OBLIGATIONS

Default on 151

OPPORTUNITY TO INSPECT

Failure to establish 1668

ORDER

For undisputed amount 505

Correcting amendment to prior order 1691

Denying motion for oral hearing and dismissing petition for reconsideration 1679

Perishable Agricultural Commodities Act, 1930—Cont. **Page**

Dismissing petition and reinstating prior order 1672

Of reparation and dismissal 1686

Vacating prior order and reopening after default 509

OVERPAYMENT

Recovery of by agent 401

PAYMENT

Receipt of and failure to forward 1273

PAYMENT AGREEMENT

Established 151

POSSESSION

Refusal to take 408

PRICE ADJUSTMENT

Failure to prove 1264

PRIMA-FACIE EVIDENCE

Adequately rebutted by evidence 1441

PREVAILING PARTY

Award of fees and expenses 742, 1206

PROCEEDS OF SALE

Failure to remit to joint account partner 26

PROTECTION AGREEMENT

Failure to establish 417

PUBLICATION OF FACTS

Wilful, flagrant and repeated violations 21, 158, 169, 1631, 1780, 1793, 1935, 1940

PURCHASER

Actual 153, 1663

Knowledge of 1663

QUANTITY

Actually shipped 1441

REASONABLE MARKET VALUE

Determination of 1687

Perishable Agricultural Commodities Act, 1930—Cont. Page

REBUTTAL EVIDENCE

Failure to submit 1786

RECEIPT OF GOODS

Failure to prove 1927

RECONSIDERATION

Order on. 1946

RECORD EVIDENCE

Sufficiency of to determine amount of liability 1459

REJECTION

Untimely and without reasonable cause. 342, 401
Notice of. 1449
Directly to trucker is not rejection to seller 1436
Notice of untimely 1436
Failure to give notice of 1682
With reasonable cause 342
Without reasonable cause 733

REPAIR DAMAGE

To pump, failure to show cost of. 1766

REQUEST FOR HEARING

Untimely and purposeless 721

RESALE

Improper
Unauthorized by seller 1449
Made in good faith 401
Proceeds of not acceptable as market value 733
Prompt and proper. 1653, 1918, 1923
Not prompt and proper 1687

RESCISSION OF CONTRACT

Failure to prove 1682

RISK OF LOSS

In abnormal transit conditions. 1653, 1923

Perishable Agricultural Commodities Act, 1930—Cont. **Page**

SANCTION

Revocation of license 26, 167, 171, 510, 721, 1288, 1795, 1797, 1799
Revocation of license - Consent 1456
Revocation of license 1938, 1944

SELLER

Identity of 1782

SET OFF

Against damages 742
Unpaid contract price of goods delivered 742
Allowance for apples returned 758

SHORT WEIGHT

Certified as to two drums only 1766

SHORT WEIGHT PROJECTION

Based on less than 1 percent of total shipment is not persuasive evidence that total shipment is shortweighted. 1766

SPECIFIED BRAND

Substitution of constituting breach of contract 1276

SUITABLE SHIPPING CONDITION

Breach of warranty of 41, 1452, 1259
Failure to prove breach of warranty of 161, 417, 1771
Applicability of 417
Warranty of not applicable 38, 613, 1462, 1776
Applicability of warranty 1952
Breach of warranty of 1918

TEMPERATURE

Failure to prove misrepresentation of 619
Normal, for lettuce. 1952

TITLE

Passage of 1303

TRANSPORTATION SERVICE AND CONDITIONS

Normal. 41, 417
Not normal. 38, 613, 1923

Perishable Agricultural Commodities Act, 1930—Cont. **Page**

ULTIMATE DISPOSITION

Failure to submit evidence of 1673

Failure to give information as to 1776

UNDISPUTED AMOUNT

Order for 1442

WARRANTY OF SUITABLE SHIPPING CONDITION

Not applicable. 38, 613, 1462, 1776

WEIGHT SHORTAGES

Failure to establish. 1269

WITHOLDING OF PAYMENT

Unjustified. 1269

PERISHABLE AGRICULTURE COMMODITIES ACT, 1930

Volume:Page

ABE RAFELSON CO., INC. *v.* R. G. TUGWELL, Acting Secretary of Agriculture, CCA, 7th Cir. (1935), 79 F.2d 653. . . . . 8:1067
Injunction. Power of Court to enjoin Secretary from threatened action to revoke license and impose fines and penalties. Exhaustion of remedy. Consideration of constitutionality of the Act.

CARL NORMAN QUINN *v.* EARL L. BUTZ AND UNITED STATES. Court of Appeals, (D.C. Cir., 1-6-75). 34: 7
Expiration of prior automatic suspension of a PACA license is not a bar to disciplinary action: enforcement of "responsibly connected" provisions of the law is not barred by reason of Department's failure, in the absence of any statutory or Constitutional duty to do so, to notify such persons affected thereby of possible sanctions applicable to those persons personally in the event the license is suspended or revoked; payment defaults aggregating $100,000 due 19 shippers in 47 transactions over an eight-month period were "repeated" violations; "responsibly connected" is a rebuttable and not an absolute presumption under the Act (pp 17-25); the corporate integrity of the licensee may be attacked to bar or limit the applicability of the responsibly connected provision of the PACA.

GEORGE STEINBERG AND SON, INC. *v.* EARL L. BUTZ, AND UNITED STATES. Decided 2-11-74 (2d Cir). 33: 370
Affirming Judicial Officer's decision in 32 A.D. 236.

HARLAND W. CHIDSEY, d/b/a HARLAND W. CHIDSEY FARMS *v.* BERT A. GEURIN, d/b/a BERT GEURIN. 29: 996
WD Mich., 6-30-70. Court dismissed appeal for lack of jurisdiction where appellant failed to file bond for double the amount.

HARLAND W. CHIDSEY *v.* BERT GEURIN. 30:1760
6th Cir. Decided June 7, 1971. Affirming District Court's dismissal for lack of jurisdiction.

JOSEPH MARTINELLI & CO., INC. *v.* SIMON SIEGEL COMPANY. 8:1447
Appeal from DCDMass. No. 4391. Decided July 21, 1949. Judgment of the District Court set aside and the case remanded to that court for further consistent proceedings; appellant recovers costs of appeal.

LOGIN CORPORATION, THE *v.* S. BOTNER & SONS. 6:1191
F. Supp.- (1947).
Sufficiency of bond. Motion to dismiss appeal. Motion to strike bond.

Perishable Agricultural Commodities Act, 1930—Cont. **Page**

LOUIS ZWICK, et al, *v.* FREEMAN. 26: 184
373 F.2d 110 (2d Cir. 1967), Cert. denied October 9, 1967.
Affirms Judicial Officer's decision (25 A.D. 90). Failure to pay promptly. Publication of facts; repeated and flagrant violations. Prohibition of employment. Responsibly connected persons of terminated licensee. Bankruptcy Act. Constitutionality of exclusion.

MANDELL, SPECTOR, RUDOLPH CO. *v.* UNITED STATES. 25:1085
3rd Cir. 1966. 364 F.2d 889.
Affirms Judicial Officer's decision (24 A.D. 651, 1965); Failure to account truly and correctly and to pay promptly and in full. Records. Cartage. Averaging fiduciary duty. Administrative Procedure Act. Sanction.

REESE SALES COMPANY *v.* HARDIN. 31: 687
9th Cir. Decided March 31, 1972. 31: 654
Affirming Judicial Officer Flavin's Decision (28 A.D. 1150).
Docket No. 2-1295 Stay order vacated after court decision affirming default order revoking respondent's license.

UNITED STATES *v.* SOLOMON. DCED Ill. 1944. . . . . 7: 247
3 F.R.D. 411.
Action to enjoin dealer from operating without a license. Penalties. Interstate commerce; Jurisdiction. Fresh vegetables. Inapplicability of Federal Rules of Civil Procedures in civil suits of quasi-criminal nature. Mistrial. Effect of crossexamination erroneously allowed by court.

TITLE AND OTHER INFORMATION	Volume	Page
ABADIE, EUGENE L. t/a INDEPENDENT FRUIT COMPANY PACA Docket No. 7726. Accounts and Records Suspension of license. Consent order.	18	1107
ABBATE BROS. INC. PACA Docket No. 6620 Revocation of license. Repeated and flagrant violations.	15	874
ABRAHAMSON, HERBERT M. AND ZIMMERMAN, HARVEY E. tr/as HERB ABRAHAMSON & COMPANY PACA Docket No. 7205. Accounting. Accounts and records. Suspension of license. Consent order.	17	454
ACEVEDO, J. & SONS, et al, and J. ACEVEDO & SONS, INC. PACA Docket Nos. 2-2717 and 2-2889 Failure to pay promptly and in full. Flagrant and repeated violations. Minority group contention. Immateriality of. Sanction testimony. Admissibility of Sanction.	34	120
Stay order pending outcome of proceedings for judicial review	34	187
ACME PRODUCE CO. INC. PACA Docket No. 8930 Repeated and flagrant violations Revocation of license. Default order	22	845
ADAMS MARKETING CO., INC. PACA Docket No. 2-3594. Net proceeds. Failure to remit. Failure to pay when due. Flagrant and repeated violations. Failure to deliver Sanction.	34	1399
AGRO RESOURCES, INC. PACA Docket No. 2-2622 Purchase Price. Brokerage. Failure to pay promptly and in full. Publication of facts	31	1080
AKINS, STEVE, WHOLESALE PRODUCE, INC. PACA Docket No. 2-2865 Failure to pay promptly and in full. Wilful flagrant and repeated violations. Publication of facts.	32	198
ALCO FRUIT CO. INC. PACA Docket No. 9902 Responsibly connected officer. License denied	25	126

CUMULATIVE INDEX THROUGH 1975
PERISHABLE AGRICULTURAL COMMODITIES ACT
DISCIPLINARY PROCEEDINGS

TITLE AND OTHER INFORMATION	Volume	Page
ALEXANDER, RAYMOND CLARENCE	19	1040
PACA Docket No. 8040		
Repeated and flagrant violations		
Revocation of license		
ALLEY, PAUL E.	27	86
PACA Docket No. 2-858		
Failure to issue memoranda of sale. Failure to pay. Publication of facts. Default		
ALLIED PRODUCE DISTRIBUTORS CO.	16	386
PACA Docket No. 6638. License denied		
Application for license. Corporate entity	15	673
Stay order; period of 30 days	15	764
Stay order.	15	892
Prior order vacated; proceeding remanded to hearing examiner	15	955
AMERICAN BROKERS, INC.	34	102
PACA Docket No. 2-3516		
Failure to account truly and correctly and to remit collected purchase prices to shippers.		
Wilful, flagrant and repeated violations.		
Publication of facts.		
AMERICAN FRUIT PURVEYORS, INC.	31	122
PACA Docket No. 2-1574		
Dismissal of complainant's petition for reconsideration.		
Failure to pay promptly. Determination of sanction	30	1542
Administrative Procedure Act notice. Suspension of license to be held in abeyance for 4 years.		
AMERICAN KITCHEN FOODS, INC.	34	1042
PACA Docket No. 2-3754		
Consent order; Sanction		
AMEX BROKERAGE CO.	27	1307
PACA Docket No. 2-1043. Joint account purchaser		
Failure to disclose status. Suspension of license		
Consent		
ANDERSON, WILLIAM E.	17	1159
PACA Docket No. 7338. Misrepresentations.		
Suspension of license.		
ANGELLO, JAMES J.	6	429
PACA Docket No. 4670. Revocation of license		
Repeated and flagrant violations of Act.		

TITLE AND OTHER INFORMATION	Volume	Page
ARNOLD PRODUCE CO. PACA Docket No. 2-315. Failure to pay Revocation of license	26	388
ARTIE'S FOOD PRODUCTS, INC. PACA Docket No. 2-2867 Failure to pay in full. Wilfull, flagrant, and repeated violations. Publication of facts	32	1990
ATASCOSA FARMS, INC. PACA Docket No. 2-527 Failure to pay; revocation of license	26	907
BAILEY PRODUCE COMPANY, INC. PACA Docket No. 5169. Revocation of license. Repeated failures to pay for shipments of produce. Flagrant violation of act. Respondent's financial difficulties in condoning its violation of act*	8	1403
BARNES, ALBERT LEE PACA Docket No. 7016 Burden of proof. Hearsay evidence. Dismissal	18	754
BECKER, SIDNEY t/a BECKER FRUIT & PRODUCE CO. PACA Docket No. 6788. Repeated and flagrant violations. Revocation of license.	16	211
BELSON, R. COMPANY PACA Docket No. 2-1773. Purchaser, Actual, Third Party Joint venture agreement; effect of. Failure to pay; obligation	31	808
BENNETT & MOUNT POTATO CO. INC. PACA Docket No. 8614 Misrepresentation; admission; suspension of license; Consent order	22	178
BERRIAN, M. B. & CO. INC. PACA Docket No. 7253 Application for license granted. Consent order	17	397
BETHEA GROCERY COMPANY, INC. PACA Docket No. 9883. Prohibition of employment; Surety bond. Suspension of license; Default	24	1639
BETHEA, WILLIAM D. d/b/a STANDARD FRUIT & PRODUCE CO. PACA Docket No. 8841 Repeated and flagrant violations. Suspension of license.	22	824
Petition for consideration; dismissal	22	858
Stay order; pending outcome of court appeal	22	1062
Dismissal: Death of respondent	22	1404

TITLE AND OTHER INFORMATION	Volume	Page
BIAGI FRUIT & PRODUCE CO. PACA Docket No. 6507. Revocation of license. Repeated and flagrant violations of act. Disciplinary proceeding; failure to pay net proceeds to consignor. Failure to pay for produce Failure to pay brokerage fees. Default	14	1063
BIANCHI, FRANK AND PAUL, FRANK d/b/s FRANK BIANCHI & SON PACA Docket No. 7256. Incorrect accounting; restitution. Suspension of license. Consent order	17	456
BIGGI, FELIX A. d/b/a FAB PRODUCE CO. PACA Docket No. 2-850 Failure to pay; publication of facts	27	810
BIGLER, SAMUEL H. PACA Docket No. 8811. Accounts and record; suspension of license. Consent order.	21	1146
Effective Date	21	1156
BIRKENFIELD, HARRY *v.* UNITED STATES **COURT DECISIONS** 3rd Cir. Nov. 10, 1966. Affirms W. D. Pa. Prohibition of employment; responsibly connected person of licensee in default; connection voluntary. Due process. Constitutionality of exclusion	25	1404
BISESI, DOMENIC t/a BISESI FRUIT CO. PACA Docket No. 7186; Repeated and flagrant violations. Revocation of license. Default	17	159
BLAND, ROBERT B. SR. d/b/a BLAND DISTRIBUTING CO. PACA Docket No. 2-3017. Failure to pay in full Wilfull, flagrant and repeated violations. Publication of facts.	32	1992
BLOOM, SEYMOUR PACA Docket No. 6320. Denial of application for license. Fitness of applicant; defense of bankruptcy in application for license.	14	576
BOATWRIGHT, OLEN WILLIAM PACA Docket No. 7678. Felony convictions Application for license denied	19	1306
BOEHMER, RALPH M. t/a RALPH BOEHMER BROKERAGE CO. PACA Docket No. 8287. Repeated and flagrant violations. Revocation of license	20	622

TITLE AND OTHER INFORMATION	Volume	Page
BOLER, EDD M. PACA Docket No. 2-1317. Application for license denied. Failure to pay. Default	28	1337
BORDENARO FRUIT COMPANY PACA Docket No. 3357	3	578
BOWLING, ROBERT BRUCE d/b/a R. B. BOWLING. PACA Docket No. 2-1722 Failure to pay; publication of facts. Consent	29	837
BREL'S FOODS, INC. PACA Docket No. 2-3407. Agreed purchase prices. Failure to make full payment promptly. Wilful, flagrant and repeated violations. Sanction	33	1614
BRISTOW, ALBERT E. d/b/a KUSTOM KUT POTATO Flagrant and repeated violations. Failure to pay when due. Oral hearing. Failure to appear Publication of facts.	34	1592
BROCK, J. C. CORPORATION PACA Docket No. 2-1582 Misrepresentation; suspension of license. Consent	29	734
BROWER, L. M. CO. INC. formerly known as INLAND PRODUCE CO. PACA Docket No. 2-3592. Flagrant and repeated violations. Failure to pay promptly and in full. Publication of facts	34	801
BROWN FRUIT CO. PACA Docket No. 2-952. Broker. Misrepresentation of prices. Suspension of license. Consent	27	884
BUCK'S TOMATO CO. INC. PACA Docket No. 9544. Revocation of license Consent	23	1153
BUDREAU, REMER LANE, d/b/a J. L. BUDREAU & COMPANY AND J. L. BUDREAU & CO. INC. PACA Docket No. 9501. Failure to pay and to remit. Revocation of license. Consent	23	991
BULLOCK BENARD PACA Docket No. 7860. Repeated and flagrant violations. Revocation of license.	19	1221
BURDINE, ROBERT E. d/b/a WOLCOTT VALLEY FARMS PACA Docket No. 2-2312. Failure to pay Publication of facts; default	31	120

TITLE AND OTHER INFORMATION	Volume	Page
BURKHARDT & COMPANY PACA Docket No. 5162. Revocation of license. Repeated and flagrant violation of act. Failure to account and to pay promptly and fully	8	1305
BURRELL, TERRY J. d/b/a STILLMAN FRUIT CO. PACA Docket No. 2-2473. Consent order	31	441
BURTIN, A. S. INC. et al PACA Docket No. 4072	1	120
BUSHMAN, H. R. & SON CORP. PACA Docket No. 2-4000. Consent order. Sanction	34	1954
BUSHMAN, HARRY, AND JOHN J. d/b/a BUSHMAN BROS. AND BUSHMAN BROKERAGE INC. AND BUSHMAN BROS. INC. PACA Docket No. 9489. Misrepresentation Suspension of license. Consent	23	886
BUSHWICK COMMISSION CO. INC. PACA Docket No. 2-629. Misrepresentation. Suspension of license. Consent	27	658
C & F PRODUCE CO. INC. PACA Docket No. 2-2712. Failure to pay Revocation of license	32	289
C. R. PRODUCE COMPANY, INC. PACA Docket No. 7557. Repeated and flagrant violations. Revocation of license	18	812
CALIFORNIA-MEXICO DISTRIBUTING COMPANY PACA Docket No. 4253	3	490
CAMP, A. J. INC. PACA Docket No. 2-3957 Consent order. Sanction	34	1726
CAMPISI, ANGELO VICTOR PACA Docket No. 7618 Application for license denied	18	902
CANTANZARO, VINCENT d/b/a BOBCAT PRODUCE CO. PACA Docket No. 2-3956. Consent order. Sanction	34	1577
CAPONE, FRANK J. PACA Docket No. 2-1005. Misrepresentation; Failure to pay. Suspension of license. Consent	28	608

TITLE AND OTHER INFORMATION	Volume	Page
CAREY, JOSEPH P. CO. INC. PACA Docket No. 2-2849. Wilful, flagrant and repeated violations. Agreed purchase prices; failure to pay. Publication of facts	32	1195
CARLOTTA, MICHAEL A. AND CARUSO-CIRESI, INC. Co-partners d/b/a CARLOTTA-CARUSO-CIRESI. PACA Docket No. 2-3553. Failure to account truly and correctly and to pay promptly and in full. Wilful flagrant and repeated violations Sanction.	33	1914
CARUSO-CIRESI, INC. PACA Docket No. 2-3554. Failure to account truly and correctly and to pay promptly and in full. Wilful, flagrant and repeated violations Sanction	33	1917
CASA, LUDWIG PACA Docket No. 2-3734. Issues; not the same as in the settlement proceeding. Burden of proof. Sustained by complainant. Consignment transactions. Violations of trust in. The corporate veil. No basis for piercing of. Application for license denied.	34	1917
CECIL, JAMES L. PACA Docket No. 4826. Revocation of license Effect of respondent's discharge in bankruptcy upon violation of act.*	7	1105
CENTRAL SALES CO. INC. PACA Docket No. 2-1126. Failure to pay. Publication of facts. Default	28	516
CHIRICO, M&T. INC. PACA Docket No. 2-2053. Consent. Suspension of license	30	409
CHORNA, FRED PRODUCE CO. INC. PACA Docket No. 6119. Revocation of license Flagrant violations of act. Default	13	554
CLARK, JAMES AVERY PACA Docket No. 8049. Repeated and flagrant violations. Suspension of license. Consent order.	19	920
CLOUD AND HATTON BROKERAGE. PACA Docket No. 7314. Failure to pay; repeated and flagrant violations. Revocation of license.	18	547

TITLE AND OTHER INFORMAION	Volume	Page
COHEN, B. & COMPANY PACA Docket No. 4338	3	527
COHEN, HOWARD d/b/a HOWARD COHEN CO. PACA Docket No. 2-39. Failure to pay promptly. Publication of facts. Default	25	884
COHEN, JOSIE COMPANY et al PACA Docket No. 4349	3	1013
COLONY FRUIT & PRODUCE DISTRIBUTORS, INC. PACA Docket No. 2-159. Failure to pay. Repeated and flagrant violations. Publication of facts Default	25	1062
CONSOLIDATED TOMATO CO. INC. PACA Docket No. 2-2135. Consent revocation of license	30	807
COVINGTON, GERALD F. d/b/a JERRY COVINGTON BROKERAGE CO. PACA Docket No. 2-3209. Failure to pay. Wilful, repeated and flagrant violations. Failure to remit invoice prices to sellers after collecting from buyers. Revocation of license	33	346
CRISPO BROS. INC. PACA Docket No. 911. Brokerage fees unauthorized Suspension of license. Consent	22	1168
CRISP, SAL F. INC. PACA Docket No. 2-1826. Misrepresentation of status. Failure to perform express duties of broker. Unlawful collection; suspension of license. Consent	29	1090
CROSBY, HOWARD d/b/a CROSBY BROKERAGE CO. PACA Docket No. 8890. Suspension of license Consent order.	21	1453
CUSUMANO AND SPATAFORA PACA Docket No. 4660. Suspension of license Repeated and flagrant violations of act*	6	219
CYR, ALBERT G. PACA Docket No. 6517. Revocation of license Repeated and flagrant violations of act. Disciplinary proceeding. Making false or misleading statements. Default	14	1074
DATTILO, PHIL & CO. PACA Docket No. 7060. Repeated and flagrant violations. Suspension of license	16	649

TITLE AND OTHER INFORMATION	Volume	Page
DAVILA DISTRIBUTING CO. INC.	34	1034
PACA Docket No. 2-3624. Wilful, flagrant and repeated violations. Failure to pay promptly and in full. Publication of facts		
DAVILA'S PRODUCE COMPANY, INC.	30	422
PACA Docket No. 2-1756. Failure to pay. Suspension of license		
DE LISI FRUIT CO. INC.	30	433
PACA Docket No. 2-2057. Consent revocation of license		
DENNIS, INC.	34	1124
PACA Docket No. 2-3652. Flagrant and repeated violations. Failure to pay promptly and in full.		
Sanction		
DEOUDES, GEORGE D. CO. INC.	23	680
PACA Docket No. 9269. Failure to account correctly and to pay when due, Records. Suspension of license		
PACA Docket No. 8050. Wilful violations; Stipulation. Suspension of license	20	668
Reopening after default	19	1187
D'ESPOSITO, SALVATORE	18	431
PACA Docket No. 7509, Application for license denied.		
DEVAULT, CLARA d/b/a EMPIRE DISTRIBUTING CO.	25	1389
PACA Docket No. 2-85. Revocation of license		
False statements in application		
DEVITA FRUIT CO.	34	1048
PACA Docket No. 2-2204, Removal of stay order		
Revocation of license for failure to pay; default order. Denial of reopening and oral argument requested by former officer of corporate respondent.	31	304
Stay order; Petition for reconsideration filed re collateral consequences.	31	356
Stay order vacated. Reconsideration denied	31	560
Stay Order, pending outcome of court appeal by former corporate officer, in QUINN v. BUTZ re collateral consequences.	31	661
DICKMAN, HAROLD LAMBERT	17	1162
Felony convictions. Application for license denied.		
PACA Docket No. 7324		

TITLE AND OTHER INFORMATION	Volume	Page
DIEKEMPER, RAY J.	14	168
PACA Docket No. 6203. Revocation of license. Repeated and flagrant violations of the act. Disciplinary proceeding. Failure to pay net proceeds to consignor		
Defense of financial difficulty in disciplinary proceeding.		
Dismissal of request for reconsideration	14	218
DIXIE CENTRAL PRODUCE COMPANY	25	910
PACA Docket No. 2-58. Failure to pay promptly.		
Violation of records requirements. Suspension of license. Consent		
DIXIE SNACK FOODS, INC.	34	1040
PACA Docket No. 2-3537. Purchases; failure to pay when due.		
Wilful, flagrant and repeated violations.		
Publication of facts.		
DIXIE TOMATO & PRODUCE CO. INC.	28	948
PACA Docket No. 2-1254. Failure to pay. Violation of records requirements. Publication of facts.		
Default		
DOMERGUE, CLARENCE R. et al	33	1331
PACA Docket No. 2-1364. Agreed purchase prices.		
Failure to pay in full. Publication of facts.		
Sanction against respondent. Corporation		
DON'S WHOLESALE PRODUCE, INC.	32	1998
PACA Docket No. 2-2927. Failure to pay promptly and in full.		
Wilful, flagrant and repeated violations. Revocation of license.		
DOTHAN PRODUCE CO. INC.	27	409
PACA Docket No. 2-675. Failure to pay. Publication of facts.		
Default		
DUBLIN, PHILIP	3	777
PACA Docket No. 3416. Unpublished Decision.		
E. & L. PRODUCE COMPANY	8	1039
PACA Docket No. 5138. Revocation of license		
Repeated and flagrant violations of act. Default		
EASTERN POTATO DEALERS, INC.	27	1319
PACA Docket No. 2-964. Default		
EASTERN POTATO DEALERS OF MAINE, INC.	31	825
PACA Docket No. 2-2497. Misrepresentation of grade. Suspension		

TITLE AND OTHER INFORMATION	Volume	Page
EASTERN PRODUCE CO. INC. AND CHARLES TAXIN *v.* BENSON COURT DECISION	19	596
278 F.2d 606 (3rd Cir. 1960)		
PACA Docket No. 7159 and 7222	19	744
Stay order vacated		
Underpayments; false accounting.	18	550
Suspenison of license. STAY ORDER, pending issuance of further order.	18	780
EASTERN PRODUCE DISTRIBUTORS, INC.	11	217
PACA Docket No. 5642		
Revocation of license for repeated failures to pay for various shipments of produce. Publication of facts. Default		
EISENBERG, BEN	3	139
PACA Docket No. 4230. Unpublished Decision		
ELIAS & FIOL, INC.	25	1129
PACA Docket No. 2-143. Failure to pay promptly and in full. Repeated and flagrant violations. Publication of facts. Default		
ELIZONDO BROS. PRODUCE, INC.	34	1904
PACA Docket No. 2-3829. Agreed purchase prices.		
Failure to pay promptly and in full. Wilful, flagrant and repeated violations. Sanction		
FAIRFIELD PRODUCTS, INC.	33	1185
PACA Docket No. 2-3269. Repeated and flagrant violations. Failure to make full payment. Publication of facts		
FARMERS POTATO EXCHANGE, INC.	29	732
PACA Docket No. 2-1602. Misrepresentation.		
Suspension of license. Consent		
FEDELL, ALBERT	7	468
PACA Docket No. 4881. Revocation of license for repeated failure to pay promptly and fully.		
Wilful and flagrant violations of act.		
FLATEN-MEBERG	15	203
PACA Docket No. 6420. Effective date		
Suspension of license; violation of act.	14	952
Selling and shipping potatoes as U.S. No. 1 with knowledge that they failed to meet grade requirements		
FLORIDA PLANTERS, INC.	26	835
PACA Docket No. 2-29. Misrepresentation of grade		
Suspension of license. Consent		

TITLE AND OTHER INFORMATION	Volume	Page
FORT PITT TOMATO & PRODUCE CO. PACA Docket No. 2-51. Failure to account and pay Publication of facts; Default	25	871
FOUNTAIN OF HEALTH, INC. PACA Docket No. 2-2954. Licensing provisions Failure to comply with. Failure to pay. Wilful, repeated and flagrant violations. Publication of facts.	33	225
FRANKLIN, HARRY INC. PACA Docket No. 7888. Repeated and flagrant violations. Revocation of license.	19	525
COURT DECISION. FRUIT SALAD, INC. *v* SECRETARY OF AGRICULTURE Affirming Judicial Officer Flavin's decision and order in re Joseph Gangi & Sons Inc. 30 A.D. 565; 30 A.D. 815, etc.	31	464
FULKS, NORMAN R. PACA Docket No. 6605. Application for license denied.	15	578
FULKS, NORMAN R. AND LUCIAN JONES, Co-partners, t/a FULKS & JONES PACA Docket No. 6528. Revocation of license. Repeated and flagrant violations of license. Repeated and flagrant violations of act. Discipline proceeding. Failure to pay net proceeds to consignor. Failure to pay for produce	14	1077
FULLER, JAMES ANTHONY t/a FULLER WHOLESALE PACA Docket No. 8471. Application for license granted.	20	1271
GANGI, JOSEPH & SONS. INC. PACA Docket No. 2-2017. Stay order vacated; PRIOR ORDER AFFIRMED BY COURT IN FRUIT SALAD, INC. *v.* SECRETARY OF AGRICULTURE	31	459
Failure to pay; publication of facts. Default.	30	565
Stay Order	30	591
Reopening after default: Denial	30	815
Employment, eligibility, repeated or flagrant violation. Stay Order, pending outcome of court appeal	30	1074
GAY PRODUCE COMPANY, INC. PACA Docket No. 8095. Failure to pay promptly Suspension of license. Consent order	21	658

TITLE AND OTHER INFORMATION	Volume	Page
GEORGAKLIS, LOUIS C. AND KATINA d/b/a L. GEORGE CO. PACA Docket No. 2-1259. Failure to pay. Bankruptcy Publication of facts. Consent	28	737
GERBER POTATO PRODUCTS, INC. PACA Docket No. 2-1763. Failure to pay Publication of facts	29	1207
GERSTEIN, LOUIS A. PACA Docket No. 6710. Revocation of license	15	1275
GLICKSTEIN, MORRIS PACA Docket No. 3024	3	109
GOFFIN PRODUCE INC. PACA Docket No. 9374. Surety Bond; prohibition of employment. Suspension of license. Default	23	555
GOLDSTEIN, LEWIS D. PACA Docket No. 7588. Application for license denied	18	691
GOLDSTEIN, LEWIS D. FRUIT & PRODUCE CORP. PACA Docket No. 3958	1	452
GOLDSTEIN & PROCACCI PACA Docket No. 6814. Revocation of license Consent order	15	844
GOODRICH, RICHARD A. PACA Docket No. 2-2621. Failure to pay Revocation of license. Consent	31	926
GOODSELL, CARLTON J. d/b/a C. J. GOODSELL PACA Docket No. 2-304. Failure to pay promptly Failure to account and remit proceeds. Revocation of license	26	156
GRANDE RIO IMPORT CO. INC. PACA Docket No. 8651. Application for license denied	21	383
GRANDINETTI, PAUL PETER d/b/a PAUL'S PRODUCE PACA Docket No. 9980. Application for license denied Fitness. Default	25	548
GRANT PRODUCE CO. INC. PACA Docket No. 2-3834. Flagrant and repeated violations. Failure to pay promptly and in full. Sanction	34	1906
GRAVES, MARVIN L. AND WAYNE I. d/b/a MARVIN L. GRAVES PACA Docket No. 6435. Revocation of license. Flagrant violations of act. Default	14	596

TITLE AND OTHER INFORMATION	Volume	Page
GREEN, ABE PACA Docket No. 8388. Application for license denied.	20	785
GREEN, SOL t/a SOL GREEN PRODUCE PACA Docket No. 8445 Application of license denied	21	174
GRIFFIN, EDDIE DONALD d/b/a GRIFFIN PRODUCE CO. PACA Docket No. 2-2321. Consent. Publication of facts	30	1699
GRITZ, HARRY t/a KARNOFSKY & GRITZ PACA Docket No. 8223. Repeated and flagrant violations. Revocation of license	20	371
GROVE, IRA VERGIL PACA Docket No. 7529 Repeated and flagrant violations. Revocation of license	18	686
H. B. DISTRIBUTORS, INC. PACA Docket No. 2-2762. Wilful, flagrant and repeated violations. Question of whether a person is "responsibly connected". Publication of facts	32	1223
HADDAD, GEORGE C. t/a HADDAD PRODUCE CO. PACA Docket No. 2-3031. Failure to pay in full Wilfull, flagrant and repeated violations. Publication of facts	32	2000
HADDAD, GEORGE E. d/b/a HADDAD & SONS. BROKERAGE PACA Docket No. 2-3522. Consent Order. Publication of facts	34	1141
HALL, E. M. PACA Docket No. 7359. Repeated and flagrant violations. Revocation of license held in abeyance. Consent order.	18	964
HANNA, TIMOTHY d/b/a TIMOTHY HANNA & ASSOCIATES a/d/b/a HYDROCULTURE OF CALIFORNIA, a/d/b/a ADVERTISING DISPLAY ASSOCIATES PACA Docket No. 2-3133. Purchase price. Failure to pay when due, wilfull, flagrant and repeated violations. Publication of facts	33	697
HARDING, HARRY LEWIS d/b/a OKIE BROKERAGE CO. PACA Docket No. 2-2802. Broker; failure to remit to principals. Publication of facts	32	281
HARLOFF, ROY & SONS. PACA Docket No. 5639. Suspension of license Violation of act. Evidence. Selling inferior grade of potatoes as No. 1. U.S. Standard. Fraudulent misrepresentation of quality of produce	12	285

TITLE AND OTHER INFORMATION	Volume	Page
HARPER AND SON (A.N.)	10	175
PACA Docket No. 5468. Failure to pay net proceeds in consignment transaction. Default		
HARRISBURG DAILY MARKET INC.	22	573
PACA Docket No. 7892. Order vacating stay order		
COURT DECISION:	21	1210
HARRISBURG DAILY MARKET INC. *v.* ORVILLE L. FREEMAN, SECRETARY OF AGRICULTURE, AND UNITED STATES OF AMERICA. D.C.CIR. OCT. 4, 1962		
HARRISBURG DAILY MARKET, INC. AND M. & S. DISTRIBUTING COMPANY	20	955
PACA Dockets No. 7892 and 7893. Evidence. Inspection Certificates Section 2(5). Subjective mental elements		
Stay order, pending issuance of further order	20	1091
Petitions for reconsideration. Dismissal	20	1075
Stay Order, pending outcome of court appeal	20	1205
HARRIS-GAMBLE CORPORATION	3	59
PACA Docket No. 3625		
HARRISON, E. J. & SON. INC.	29	1281
PACA Docket No. 2-1448; misbranding of grade and quality. Suspension of license		
HARRISON, E. J. & SON, INC.	27	1339
PACA Docket No. 2-646; Misbranding of grade; Potatoes; Suspension of license		
HARRY'S PRODUCE, INC.	33	466
PACA Docket No. 2-3136. Failure to pay. Wilful, flagrant and repeated violations. Publication of facts		
HART, JOHN H. t/a PENSACOLA PRODUCE CO.	18	1319
PACA Docket No. 7770. Repeated and flagrant violations Suspension of license. Consent order		
HARVEY, W. H. & SON	3	411
PACA Docket No. 4337		
HENSON, LUKE W.	16	645
PACA Docket No. 6940. License denied. Previous conduct of applicant considered		
HERRIN, WOODROW VERNON d/b/a WOODY HERRIN PRODUCE	23	690
PACA Docket No. 9283. Failure to remit and pay promptly, when due. Suspension of license		

TITLE AND OTHE INFORMATION	Volume	Page
HESKETT, C. A. PACA Docket No. 2-647. Failure to pay. Publication of facts. Default	27	122
HIGGASON, WILLIAM STUART d/b/a BILL HIGGASON PACA Docket No. 9551. Misrepresentation; misbranding. Violations of act; publication of facts. Default	26	1426
HILL'S PRODUCE INC. PACA Docket No. 2-771 Failure to pay; revocation of license. Default	27	661
HILOW, FRED JOHN d/b/a VISTA BROKERAGE CO. PACA Docket 2-1971. Consent. Suspension of license	30	110
HIRT, R. JR. COMPANY PACA Docket No. 7419. Incorrect accounting Suspended suspension of license. Consent order	17	1174
HODGE, L. A. CO. PACA Docket No. 2-352. Failure to pay. Revocation of license. Consent	25	1521
HOLLON, DAVID PACA Docket No. 2-396. Application for license denied. Fitness; default	26	316
HORTON PRODUCE CO. INC. PACA Docket No. 2-1098. Failure to pay. Publication of facts. Default	28	270
HUDDLESTON BROS. FRUIT CO. INC. PACA Docket No. 9979. Failure to pay promptly Revocation of license. Consent	25	135
HUDSON HOUSE, INC. PACA Docket No. 2-2947. Failure to pay purchase price in full repeated and flagrant violations. Publication of facts	33	1175
HUMBOLDT FOODS, INC. PACA Docket No. 2-767; failure to pay. Suspension of license. Default	27	546
HUNTER BROTHERS PACA Docket No. 4340	3	806
HUNTSVILLE PRODUCE COMPANY, INC. PACA Docket No. 2-3119. Agreed purchase price. Failure to pay when due. Wilful, flagrant and repeated violations. Sanction	33	699

TITLE AND OTHER INFORMATION	Volume	Page
IFSCO, INC.	34	415
PACA Docket No. 2-3584. Agreed purchase prices. Failure to pay in full. Flagrant and repeated violations. Sanction		
IMPERIAL POTATO COMPANY	33	1877
PACA Docket No. 2-3228. Agreed purchase prices, Failure to pay when due. Wilful, flagrant and repeated violations. Publication of facts		
INDEPENDENT FRUIT & PRODUCE CO.	18	413
PACA Docket No. 7572. Repeated and flagrant violations. Suspension of license		
INTERSTATE WHOLESALE FRUIT AND PRODUCE, LTD.	32	210
PACA Docket No. 2-2701. Failure to pay. Publication of facts		
IRON CITY PRODUCE CO. INC.	17	1220
PACA Docket No. 7433. Repeated and flagrant violations. Suspension of license		
JHS PRODUCE	34	926
PACA Docket No. 2-3725. Dismissal without prejudice		
JACOBS, HENRY GEORGE d/b/a H. JACOBS POTATO CO.	27	142
PACA Docket No. 2-550; Order on rehearing. Misbranding; suspension of license.		
Consent Misbranding; suspension of license	26	991
Stay order; pending issuance of further order	26	1031
Petition to rehear under shortened procedure granted.	26	1213
Petition to rehear at oral hearing granted	26	1215
JAROSS, IRVING (JERRY)	28	90
PACA Docket No. 2-1170. Broker; failure to issue memoranda of sales. Suspension of license. Consent		
JARSON & RAMBOFF CO. INC.	34	1908
PACA Docket No. 2-3833. Unjust practices. Failure to account truly and correctly. Failure to pay brokerage fees, and to pay net proceeds in full. Flagrant and repeated violations. Sanction		
JUNSBERG	1	540
PACA Docket No. 4081		
KALEEL BROTHERS, INC.	17	505
PACA Docket No. 7265. Repeated and flagrant violations. Suspension of license. Consent order		
KAPLAN, MORRIS t/a J. KAPLAN & SONS.	22	1170
PACA Docket No. 9035. Employment; stockownership bonding; requirements. Revocation of license		

TITLE AND OTHER INFORMATION	Volume	Page
KARAS, MAX PACA Docket No. 6731. Repeated and flagrant violations. Revocation of license	16	170
"IDAHO DICK" KASSATLY & CO. INC. PACA Docket No. 2-3108. Flagrant and repeated violations. Failure to pay promptly and in full. Publication of facts.	33	860
J. S. KASSOUF & SONS, INC. PACA Docket No. 2-3578. Flagrant and repeated violations. Failure to pay promptly and in full. Publicatin of facts	34	1126
KAUFMAN-BROWN POTATO CO. PACA Docket No. 8880 Repeated and flagrant violations. Revocation of license. Consent order	22	419
KEEFE, ROBERT M. t/a B-K PRODUCE CO. PACA Docket No. 7097. Repeated and flagrant violations. Revocation of license. Default	16	1263
KELLY & WEATHERINGTON, INC. PACA Docket No. 9429. Failure to pay. Publication of facts	23	715
KELSOE, ROBERT E. COMPANY PACA Docket No. 2-2531. Failure to account fully and pay promptly. Publication of facts.	31	1055
KENWORTHY, FRANK L. d/b/a FRANK KENWORTHY CO. PACA Docket No. 2-859. Broker. Failure to issue memoranda of sale. Suspension of license	27	1540
KERZNER, JACK PACA Docket No. 6696. Revocation of license	15	1232
KING OF SPUDS, INC. PACA Docket No. 2-3617. Flagrant and repeated violations. Failure to pay promptly and in full. Sanction.	34	1137
Order dismissing respondent's Petition on Appeal	34	1223
KING MIDAS PACKING COMPANY, INC. PACA Docket No. 2-3449. Flagrant and repeated violations. Failure to pay promptly and in full. Financial condition no defense for violations. Bankruptcy petition. Plan of Arrangement for unsecured creditors. Wilfulness factor. Net negated by inability to pay. Publication of facts	34	1879

TITLE AND OTHER INFORMATION	Volume	Page
KIRBY, JACK PRODUCE CO. PACA Docket No. 2-935. Failure to pay. Revocation of license. Consent	27	775
KIRCHBERG, WILLIAM L. d/b/a O-K DISTRIBUTORS PACA Docket No. 2-2422. Consent order	31	261
KLEIN, RAYMOND d/b/a KLEIN'S CELERY PACA Docket No. 6539. Revocation of license	15	1152
KO-CO BRAND PACKING CORP. AND MICHAEL KODISH & CO. INC. PACA Docket Nos. 2-2848 and 2-2817. Net proceeds; purchase prices; failure to pay promptly and in full. Wilful, flagrant and repeated violations. Publication of facts	32	1503
KOSMIN, HARRY PACA Docket No. 2-891. Broker; failure to issue memorandum of sale. Suspension of license. Consent.	27	738
Supplemental order; effective date of suspension to be July 8, 1968	27	755
KOTKIN PRODUCE, INC. PACA Docket No. 2-849. Failure to pay. Revocation of license. Consent	27	668
KOUSTENIS, BILL & CO. INC. PACA Docket No. 2-3560. Purchase prices. Failure to pay. Wilful, flagrant and repeated violations. Sanction	34	767
KRANSON, ALBERT PACA Docket No. 4896. Revocation of license. Wilful and flagrant violation of act. Repeated failure to pay promptly and fully. Effect of failure to file answer. Default*	7	555
L. L. L. PRODUCE COMPANY INC. PACA Docket No. 2-1589. Failure to pay. Revocation of license. Default	29	849
LACHINA, FRANK PACA Docket No. 6540. Application for license denied.	15	238
LAROSA TOMATO DISTRIBUTORS, INC. PACA Docket No. 6886. Application for license granted	16	449
LAROSE, LAWRENCE PACA Docket No. 7121. Application for license denied.	17	117
LATIN-AMERICAN FRUIT AND SHIPPING CORP. PACA Docket No. 2-205. Dismissal. Withdrawal of application for license	25	1082

TITLE AND OTHER INFORMATION	Volume	Page
LATIN-AMERICAN FRUIT AND SHIPPING CORP. PACA Docket No. 6351. Disciplinary proceeding. Revocation of license. Obtaining license on basis of false or misleading statements. Failure to deny allegation in the complaint. Default	14	763
LEE'S PRODUCE, INC. PACA Docket No. 2-256. Failure to pay; revocation of license. Consent	25	1271
LEON, OSCAR L. PACA Docket No. 9310. Application for license denied. Default	23	361
LEVINE, CHARLES PACA Docket No. 9068. Dismissal. On motion of complainant	23	377
LEVY, S&H COMPANY PACA Docket No. 4193	3	117
LEWIS PRODUCE COMPANY PACA Docket No. 5504. Licenses. Suspension of license held in abeyance. Failure to pay for shipments. Bankruptcy. Evidence. Transactions constituting consignments, not purchases and sales	11	509
LICHENSTINE, C. & SONS. INC. PACA Docket No. 2-2472. Bankruptcy. Discharge in does not absolve violations. Failure to pay. Repeated and flagrant violations. Publication of facts	33	211
LINDSEY, JORDON J. PACA Docket No. 4664. Suspension of license Suspended for one year*	6	607
LONGORIA, GUADALUPE, JR., RAMON, AND SERVANDO d/b/a GUADALUPE, RAMON, AND SERVANDO LONGORIA PACA Docket No. 8581. Application for license denied	21	285
LOUISIANA STRAWBERRY & VEGETABLE DISTRIBUTING CO. INC. PACA Docket No. 2-3185. Misrepresentation, by mark, stencil, statement or deed the weight of 16 lots of vegetables; misbranding, resulting from such short weighing. Repeated and flagrant violations. Misrepresenting and misbranding of vegetables. Sanction	33	866
LUBER & FINKELSTEIN PACA Docket No. 4339. Unpublished decision	3	211
LUSK, C. R. & SONS. INC. PACA Docket No. 2-1881. Misbranding of grade and quality. Suspension of license. Consent	29	1258

TITLE AND OTHER INFORMATION	Volume	Page
LUSTIG AND FIERRO, INC. PACA Docket No. 2-3109. Consent order	32	1861
MCCUISTION, LEON t/a AIRLINE BROKERAGE PACA Docket 2-1830. Failure to pay promptly Publication of facts; Default	30	823
MCDOW, JOHN CUNNINGHAM PACA Docket No. 6377. Denial of application for license. Fitness of applicant; defense of bankruptcy in application for license	14	580
MCHANN, JAMES CLARK d/b/a JACKSON TOMATO COMPANY a/d/b/a 1-QUICK-N-EZY CO. PACA Docket No. 2-3450. Failure to pay in full. Wilfull, flagrant and repeated violations. Publication of facts	33	1867
MCMORRIS, EUEL JESSIE AND JOHN DANIEL HOLMAN d/b/a MCMORRIS-HOLMAN PRODUCE CO. PACA Docket No. 2-2587. Failure to pay promptly and in full. Publication of facts. Revocation of license	31	1176
MCNAIR, ALAN DAVID, JR. PACA Docket No. 6892. Repeated and flagrant violations. Revocation of license	16	80
MCNEIL & SON PRODUCE CO. PACA Docket No. 6173. Suspension of license held in abeyance. Violation of act. Failure to keep accounts and records	13	1004
MACDONALD, J. A. BROKERAGE CO. PACA Docket No. 2-819. Failure to pay. Publication of facts. Consent	27	537
M & B PRODUCE CO. PACA Docket No. 4172. Unpublished decision	3	609
M&H PRODUCE CO. INC. PACA Docket No. 2-2757. Failure to pay promptly and in full. Creditors agreement to accept 25% no defense. Repeated and flagrant violations. Publication of facts Equitable estoppel not applicable.	34	700
Stay order pending outcome of appeal	34	925
M&S DISTRIBUTING COMPANY PACA Docket No. 7893. Stay order. Pending insuance of further order	20	1003

TITLE AND OTHER INFORMATION	Volume	Page
M&S PRODUCE, INC.	34	1143
PACA Docket No. 2-3593. Flagrant and repeated violations. Failure to pay promptly and in full. Bankruptcy		
Voluntary petition in. Publication of facts		
MADONIA, BATISTA NICHOLAS, JR. t/a MADONIA PRODUCE CO. a/t/a KINGS CHOICE TOMATOES	26	786
PACA Docket No. 2-500. Failure to pay. Publications of facts		
MAGIC VALLEY PRODUCE COMPANY (a partnership) and MAGIC VALLEY PRODUCE COMPANY (a corporation)	25	1032
PACA Docket No. 2-90. Failure to pay; repeated and flagrant violations. Publication of facts. Default		
MAGLIOLO, SAM, et al	3	74
PACA Docket No. 4172. Unpublished decision		
MAINE POTATO GROWERS, INC.	34	773
PACA Docket No. 2-2981. Evidence; unsigned copies of inspection certificates. Misbranding. Civil penalties. Authority to consent to. Sanction		
Order denying petition for reconsideration	34	1406
Stay order pending outcome of proceedings for judicial review	34	1610
MAINE STATE POTATO COMPANY	26	1008
PACA Docket No. 2-561. Failure to pay; publication of facts		
MALONEY, THOMAS J.	21	287
PACA Docket No. 8611. Repeated and flagrant violations. Revocation of license. Default		
MALOOF, MARSHALL P. t/a MARSHALL MALOOF PRODUCE	21	302
PACA Docket No. 8605. Repeated and flagrant violations. Revocation of license. Default		
MANDELL PRODUCE COMPANY	10	1239
PACA Docket No. 5546. Revocation of license. Repeated and flagrant violations of act. Failure to pay for numerous shipments. Default		
MANDELL, SPECTOR, RUDOLPH CO.	26	318
PACA Docket No. 2-431. Failure to pay. Revocation of license		
PACA Dockets No. 8998 and 9303	26	80
Stay order vacated; license issued and suspended		
Failure to account truly and to pay promptly and in full.	24	651
Records; cartage; averaging fiduciary duty. Sanction.		
Reconsideration; Issuance and suspension of license	24	897
Stay order; pending outcome of court appeal	24	1025

TITLE AND OTHER INFORMATION	Volume	Page
MANDELL, WILLIAM B. COMPANY PACA Docket No. 9397. Application for license denied Fitness of officer	24	703
MANDIS, WM. & CO. INC. PACA Docket No. 2-3451. Failure to pay in full. Wilfull, flagrant and repeated violations. Sanction	33	1853
MANZO, TONY & CO. PACA Docket No. 7022. Repeated and flagrant violations. Revocation of license	16	1302
MARELLA, ENOCH PACA Docket No. 2-890. Broker; failure to issue memorandum of sale; suspension of license. Consent	27	740
MARKEN, A. & COMPANY, INC. PACA Docket No. 2-2047. Failure to pay promptly Publication of facts, Default	30	1724
MARTIN, GEORGE CALVIN d/b/a G. C. MARTIN PACA Docket No. 2-2253. Consent suspension of license	30	1512
MARTINO, CHARLES W. d/b/a BILL MARTINO PRODUCE PACA Docket No. 2-1841. F.O.B. Inspection. Suitable shipping condition, damages	30	305
MARTINO, JOHN PACA Docket No. 2-1292. Failure to pay promptly Suspension of license. Stipulation	28	1357
MARTINO, JOHN PACA Docket No. 2-2336. Failure to pay. Publication of facts. Default	31	284
MARY, PAUL E. PACA Docket No. 8048. Repeated and flagrant violations Revocation of license	19	1043
MAYBERRY, ED, JOHNSON CITY PRODUCE CO. INC. PACA Docket No. 2-3453. Purchase prices. Failure to pay promptly and in full. Wilful, flagrant and repeated violations. Publication of facts	34	385
MAZO, JACK L. AND MORTON d/b/a MAZO BROTHERS PACA Docket No. 7327. Stay order; pending issuance of further order.	17	1046
Stay order, pending issuance of further order	17	1183
Petition to reopen denied	17	1239

TITLE AND OTHER INFORMAION	Volume	Page
MERCURIO PACA Docket No. 5764. Suspension of license held in abeyance	12	910
MESSINA, FRANCIS PACA Docket No. 8825. Repeated and flagrant violations. Revocation of license. Consent order	21	1355
MESSINA, FRANCIS PACA Docket No. 6927 Application for license granted. Consent order	15	1356
METCALF PACA Docket No. 4116	1	716
METZLER, GEORGE H. PACA Docket No. 2-81. Failure to pay or pay promptly Revocation of license. Default	25	897
MICKELIAN SALES CO. INC. PACA Docket No. 2-1831. Failure to pay; Publication of facts. Default	30	830
MID WEST FARMS, INC. PACA Docket 2-1976. Certification to Judicial Officer Withdrawal of complaint. New complaint to be filed	30	421
MID WEST FARMS, INC. PACA Docket No. 2-2112. Failure to pay. Revocation of license. Default	30	1349
MILAVSKY, RAYMOND PACA Docket No. 2-363. Failure to pay. False statements. Repeated and flagrant violations. Publication of facts. Default	26	409
MILLER, SAMUEL PACA Docket No. 2-888. Broker; failure to issue memorandum of sale. Suspension of license. Consent	27	742
MINNIX, FRED, LONNIE WHITE PRODUCE CO. AND MINNIX & WHITE PRODUCE COMPANY PACA Docket No. 9107. Repeated and flagrant violations Revocation of license. Consent order	22	822
MOBARAK, ANTHONY a/k/a TONY MOBARAK. A. MOBARAK AND CO. PACA Docket No. 2-563. Dismissal. Withdrawal of application for license	26	934
MOFFAT LTD. INC. PACA Docket No. 2-3415. Consent order. Sanction	34	1572

TITLE AND OTHER INFORMATION	Volume	Page
MONK, JOHN W. d/b/a J. W. M. PRODUCE PACA Docket No. 2-2363. Failure to pay. Revocation of license. Default	31	558
MOORE & REESE PRODUCE CO. PACA Docket No. 2-1064. Failure to pay. Publication of facts. Default	28	280
MOORE'S INC. PACA Docket No. 9522. Dismissal. Withdrawal of complaint	23	1308
MORGAN, J. A. PRODUCE INC. PACA Docket No. 2-46. Failure to pay promptly. Repeated and flagrant violations. Publications of facts	25	1513
MUSANTE, BERMAN, STEINBERG CO. INC. PACA Docket No. 7937. Repeated and flagrant violations Suspension of license. Consent order	19	502
MYERS, LEONARD E. PACA Docket No. 5761. Revocation of license. Repeated and flagrant violations of act. Default	11	785
N & J PRODUCE CO. INC. PACA Docket No. 2-3281. Failure to pay promptly and in full. Flagrant and repeated violations. Publication of facts	33	1438
NAHAS, ED. & SONS. INC. PACA Docket No. 2-1554. Failure to pay. Publication of facts. Consent	29	1055
NATIONAL PRODUCE CO. OF MIAMI, INC. PACA Docket No. 2-3416. Net proceeds; failure to make full payment of promptly. Sanction	33	1183
NATIONAL TRADING CORPORATION PACA Docket No. 2-2713. Purchase price. Failure to pay. Revocation of license	31	1410
NEIMAN, HERBERT WILLIAM d/b/a NEIMAN BROTHERS PACA Docket No. 2-2733. Failure to pay. Revocation of license	32	728
NELSON BROTHERS PACA Docket No. 4342	3	516
NELSON, J. E. AND SON	3	120
PACA Dockets No. 4321 and 4286	3	879

TITLE AND OTHER INFORMATION	Volume	Page
NEW ENGLAND CITRUS BOWL, INC. PACA Docket No. 2-2199. Failure to pay; publication of facts. Default	30	1374
NEWMAN, SIDNEY & CO. INC. AND WILLIAM TURINO CO. INC. PACA Docket No. 2-3744. Joint venture; absence of Management agreement; not exceeded by disclosed agent-Proprietary interest. to share profits as compensation only for services. Cause of action. Alleged against partnership or joint venture not alleged, in the alternative, against either individual. Dismissal	34	1230
NOHA, HENRY WILLIAM t/a HENRY NOHA, JR. PACA Docket No. 2-1832. Failure to pay. Revocation of license. Default	30	401
OLSEN, MELVIN *v.* USDA *et al.* **COURT DECISIONS** W. D. Wis. October 15, 1971. Dismissing motion for extension of time within which to file bond in court appeal. Holding that 30 day period to filing is inflexible an mandatory, that life insurance policy is not a "negotiable security," and granting appellee's motion to dismiss the appeal	30	1766
ONONDAGA PRODUCE CO. INC. PACA Docket No. 9671. Failure to account truly. Failure to remit proceeds promptly; violation of records requirements. Suspension of registration Consent	24	78
ORLANDO FRUIT & PRODUCE CO. INC. PACA Docket No. 2-2357. Failure to pay. Publication of facts. Default	31	353
ORLANDO & SCRAMUZZA FRUIT & PRODUCE COMPANY, INC. PACA Docket No. 5980. Application for license granted	12	1306
ORRELL'S PRODUCE CO. PACA Docket No. 7026. Repeated and flagrant violations. Revocation of license	16	830
OTTO, FRANKLIN H. d/b/a CENTRAL MARKETING SERVICE PACA Docket No. 2-3818. Consent order. Sanction	34	1217
OVERSEAS INTERNATIONAL FRUIT CORP. PACA Docket No. 2-2910. Agreed purchase prices. Failure to make full payment promptly. Wilfull, flagrant and repeated violations. Publication of facts	32	1388

TITLE AND OTHER INFORMATION	Volume	Page
PADEKEN, GEORGE F. AND NAGI M. GASSIS, d/b/a ROYAL MELON CO. (co-partners)	34	387
PACA Docket No. 2-3462. Consignments; failure to account truly and correctly for and to remit net proceeds. Agreed purchase prices. Failure to pay promptly and in full. Wilful, flagrant and repeated violations. Sanction		
Failure to account truly and correctly and to remit net proceeds to shippers. Failure to pay agreed purchase prices promptly and in full. Repeated and flagrant violations. Sanction	34	99
PALELLA, THOS. D. CO. INC.	33	1874
PACA Docket No. 2-2946. Broker; invoicing and collecting from buyers and failing to remit proceeds to seller; flagrant and repeated violations		
Sanction		
Net proceeds of sale; failure to make full payment promptly; wilful, flagrant and repeated violations	32	1552
Revocation of license		
PALOMO, C. & SONS.	18	312
PACA Docket No. 7444. Repeated and flagrant violations. Revocation of license.		
PALOMO PRODUCE & TRUCKING CORP.	32	735
PACA Docket No. 2-2708. Failure to pay. Revocation of license		
PANNO & SONS, INC.	33	203
PACA Docket No. 2-3010. Net proceeds; failure to remit. Failure to pay purchase prices. Wilful, repeated and flagrant violations. Revocation of license		
Net proceeds; failure to remit; failure to pay purchase prices. Wilful, repeated and flagrant violations	33	200
Publication of facts		
PANNO & SONS, INC.	19	244
PACA Docket No. 7894. Incorrect accountings. Suspension of license. Consent order		
PARAMOUNT TOMATO AND PRODUCE, INC.	34	1938
PACA Docket No. 2-3877. Purchase prices; failure to pay promptly and in full. Wilful, flagrant and repeated violations. Sanction		
PATT, R. BROKERAGE, INC.	20	1186
PACA Docket No. 8470. Repeated and flagrant violations. Revocation of license		

TITLE AND OTHER INFORMATION	Volume	Page
PATT, R. BROKERAGE INC. PACA Docket No. 7474. Repeated and flagrant violations. Effective date of suspension held in abeyance Consent order	18	251
PEARL, JAMES PACA Docket No. 4849 Suspension of license. Repeated and flagrant violation of act. Publication of facts*	7	1063
PETRO, SAM PACA Docket No. 2-991. Failure to pay; suspension of license. Consent	28	626
PETRO, SAMUEL SIMON PACA Docket No. 6928. Prior order vacated. Application for license granted.	17	465
Application for license denied. Remand to hearing	16	901
examiner	16	901
PIAZZA, AUGUST J. T/A GUS PIAZZA SALES PACA Docket No. 2-1622. Failure to pay; publication of facts. Default	29	856
PIAZZA, D. L. CO. PACA Docket No. 9101. Repeated and flagrant violations Revocation of license	22	960
PIAZZA PRODUCE CO. INC. PACA Docket No. 2-2206. Consent suspension of license	30	966
PICKETT, REATHA M. d/b/a PICKETT PRODUCE COMPANY PACA Docket No. 2-3780. Agreed purchase prices Failure to pay in full. Wilful, flagrant and repeated violations. Sanction	34	1722
PILGRIM FRUIT CO. INC. PACA Docket No. 2-224. Failure to account truly; failure to remit promptly. Suspension of license Consent	25	1044
PITTSBURGH BANANA CO. PACA Docket No. 2-2734. Purchase price; failure to pay. Wilful, flagrant and repeated violations. Publication of facts	32	683
PORTION CONTROL FOODS, INC. t/a SCHIRO PRODUCE COMPANY PACA Docket No. 2-2866. Wilfull, flagrant and repeated violations. Failure to pay. Publications of facts Revocation of license	32	1177

TITLE AND OTHER INFORMATION	Volume	Page
POWERS, FRANK N. PACA Docket No. 4208. Unpublished decision	3	139
PRICEMAN, HARVEY LOUIS d/b/a HARVEY PRICEMAN PACA Docket No. 8855. Repeated and flagrant violations. Revocation of license. Consent order	21	1377
PRIESTER & SON PACA Docket No. 2-321. Failure to pay; publication of facts. Default	26	406
PRODUCE DISTRIBUTORS PACA Docket No. 4645. Violation of act. Publication of facts*	6	844
PRODUCELAND USA, INC. PACA Docket No. 2-2421. Consent order	31	287
PRODUCE SUPPLIES, INC. PACA Docket No. 2-1457. Failure to pay. Publication of facts. Default	29	329
PROKOFF, LOUIS a/k/a LOUIS EDWARDS PACA Docket No. 2-674 Failure to pay; publication of facts	27	388
PROVOST AND SHAPIRO, INC. PACA Docket No. 8062. Repeated and flagrant violations Suspension of license. Consent order	19	900
Q & W FOODS COMPANY PACA Docket No. 2-3160 Consent order	12	1863
QUINN, CHARLES M. AND ELSIE R. *v.* FREEMAN D. Maine, December 11, 1967. Bench ruling of court Motion for declaratory and injunctive relief denied. Finding of "responsibly connected person" of terminated licensee. Prohibition of employment	27	415
R-B PRODUCE CO. INC. PACA Docket No. 9882. Failure to pay promptly. Prohibition of employment. Sales of consigned produce to officer; operating without license; failure to produce corporate records. Denial of license	25	415
RAYBURN BROTHERS, INC. PACA Docket No. 2-1240. Misrepresentation, State of origin. Suspension of license. Consent	28	497
REBELLO-NIEHAUS PRODUCE CO. PACA Docket No. 7904. Repeated and flagrant violations. Revocation of license. Consent order	19	403

TITLE AND OTHER INFORMATION	Volume	Page
REED, WILLIAM R. t/a W. R. REED CO. BROKERS PACA Docket No. 8122. Repeated and flagrant violations. Revocation of license	19	1332
REESE SALES COMPANY PACA Docket No. 2-1295.	28	1150
Failure to pay; revocation of license. Default	28	1564
Petition for rehearing and reconsideration. Dismissed		
Stay order; pending outcome of court appeal	28	1581
REIFERSON, PACA Docket No. 5963 Revocation of license for repeated and flagrant violations of act	12	936
RELAN & FLETCHER PACA Docket No. 8109. Repeated and flagrant violations. Revocation of license	19	1501
RICE, GEORGE & COMPANY PACA Docket No. 5459. Revocation of license Repeated and flagrant violations of act Failure to account and pay for produce handled on consignment. Default	10	354
RINGEL, JOSEPH PACA Docket No. 2-613. Failure to pay. Revocation of license	26	1216
RINI BROTHERS PACA Docket No. 4148. Unpublished decision	3	211
RIO BRAVO PRODUCE, INC. PACA Docket No. 2-89. Failure to pay promptly and in full. Revocation of license; default	25	1052
RIPLEY VEGETABLE COMPANY, INC. PACA Docket No. 9334. Failure to pay promptly or in full. Publication of facts	24	360
ROCKY FORD ONION GRS. CO-OP ASSN. PACA Docket No. 2-559. Misbranding; potatoes; Suspension of license	27	542
ROGERS, JOHN HOWARD AND STUART, DONALD ARTHUR d/b/a SUPERIOR PRODUCE SERVICE PACA Docket No. 7428 Application for license denied	18	49

TITLE AND OTHER INFORMATION	Volume	Page
ROGERS, MANUEL d/b/a ROGERS PRODUCE CO. AND d/b/a MANUAL ROGERS PRODUCE CO. PACA Docket No. 2-303. Withdrawal of disciplinary complaint	26	184
ROSENTHAL, NATE PACA Docket No. 6677. Revocation of license. Default	15	441
RUBIN, BERT PACA Docket No. 2-876. Broker; failure to issue memoranda of sale; suspension of license. Consent.	27	663
RUBY PRODUCE CO. INC. PACA Docket No. 2-3230. Flagrant and repeated violations. Failure to pay in full. Sanction	33	1181
RUDD, PHIL & SON, INC. PACA Docket No. 2-1053. Failure to pay; Suspension of license. Consent	28	606
RUIZ, JOSE ELIAS d/b/a ELIAS RUIZ & CO. PACA Docket No. 2-447. Failure to pay Publications of facts	26	912
S&F FOODS CO. PACA Docket No. 2-2829. Wilful, flagrant and repeated violations; failure to pay in full. Publication of facts; revocation of license	32	1198
SALES COMPANY (J. R.) PACA Docket No. 5754. Revocation of license Repeated and flagrant violations of act	11	996
SALINAS SYSTEM SALES INC. PACA Docket No. 2-1972. Failure to pay. Publication of facts. Default	30	563
Stay order	30	688
Denial of motion to reopen after default. "Responsibly connected" individual	30	1069
SALT RIVER VALLEY PRODUCE, INC. THE ISAACSON CO. INC. PACA Dockets No. 7953 and 7954. Petition for reconsideration; dismissal	20	879
SANTORO, ALBERT PACA Docket No. 6694. Repeated and flagrant violations. Revocation of license	16	52

TITLE AND OTHER INFORMATION	Volume	Page
SARSER, IKE PACA Docket No. 4868. Suspension of license for failure to pay purchase price*	7	476
SCALISE, SR. PACA Docket No. 6026. Revocation of license. Submission of fraudulent invoices. Default	12	1105
SCARPACI, ANTHONY JOSEPH et al d/b/a NATIONAL FRUIT AND PRODUCE CO. PACA Docket No. 2-2182. Failure to pay. Revocation of license. Default.	30	1899
SCHALLER & GUSSMAN PACA Docket No. 2887. Broker; failure to issue memorandum of sale; suspension of license. Consent	27	744
SCHLANGER, WILLIAM d/b/a J. SCHLANGER & SONS PACA Docket No. 2-889. Broker, failure to issue memorandum of sale; suspension of license. Consent	27	746
SCHUMAN, MEYER COMPANY PACA Docket No. 4389	3	1015
SCHWARTZ, BEN B. AND SONS PACA Docket No. 4847. Suspension of license for failure to account truly and correctly and make full payment promptly* (*HINT to important legal and economic points contained in decision. Reference to other points involved in this case will be found in Index-Digest and Subject-Index in this issue of Agriculture Decisions.—Ed.)	8	432
SCOBLICK BROTHERS, INC. PACA Docket No. 5638. License; denial of application for license to engage in business of commission merchant, dealer, or broker. Failure to accept produce. Engaging in business without valid license	11	299
SEE WAY PRODUCE DISTRIBUTORS, INC. PACA Docket No. 5415. Revocation of license. Repeated and flagrant violations of act	10	13
SEGARI, JOSEPH T. JR. t/a SEGARI FRUIT CO. PACA Docket No. 8729. Repeated and flagrant violations. Revocation of license	22	318
SELLON, HAROLD V. PACA Docket No. 8593. Repeated and flagrant violations. revocation of license	21	1032

TITLE AND OTHER INFORMATION	Volume	Page
SHAPIRO, J. & CO. INC. PACA Docket No. 9542. Failure to account and remit in full. Suspension of license. Consent	23	1012
SHARGAA, BEN BABE PACA Docket No. 2-1455. Failure to pay; publication of facts. Default	29	321
SHEEHY, ROBERT E. PACA Docket No. 4554. Denial of application for license	5	491
SHEFFIELD, DONALD R., AN INDIVIDUAL t/a DONALD R. DONALD R. SHEFFIELD BROKERAGE CO. a/t/a DONALD R. SHEFFIELD DISTRIBUTING CO. PACA Docket No. 2-3221. Consent order — Sanction	34	1392
SHEFFIELD, OTIS RAYMOND AND SHARON MALLORY d/b/a SHEFFIELD AND MALLORY PACA Docket No. 2-1553. Failure to pay; publication of facts. Consent	29	161
SIEBAN & BYRNES, INC. PACA Docket No. 9028. Violations, suspension of license. Consent order	22	422
SIEBAN & BYRNES, INC. PACA Docket No. 2-411. Failure to pay; publication of facts	26	431
SILVERFARB PACA Docket No. 4206	1	637
SILVERFARB, BESSIE PACA Docket No. 4386	3	880
SILVERFARB, HARRY T. COMPANY PACA Docket No. 4361	3	597
SILVERSTREAK DISTRIBUTORS, INC. PACA Docket No. 2-931. Failure to pay. Publication of facts. default	27	1320
SIMEONE BROS. POTATO CO. INC. PACA Docket No. 2-2222. Consent suspension of license	30	1711
SMILING JIM POTATO CO. PACA Docket No. 2-419. Failure to pay promptly. Revocation of license	26	272

TITLE AND OTHER INFORMATION	Volume	Page
SNYDER, D. G. BROKERAGE COMPANY PACA Docket No. 2-246. Failure to pay promptly Failure to account and remit proceeds promptly. Revocation of license	25	1490
SOBIECH, EDWIN B., INC. PACA Docket No. 2-3616. Purchase prices; failure to pay promptly and in full; wilfull, flagrant and repeated violations. Publication of facts	34	1046
SOLOMON TIE & TIMBER CO. INC. PACA Docket No. 4050	1	593
SOUTHEASTERN PRODUCE CORP. PACA Docket No. 2-2901. Wilfull, flagrant and repeated violations; agreed purchase prices; failure to pay in full. Publication of facts	32	1228
SOUTHERN GARDEN, INC. PACA Docket No. 2-1571. Failure to pay. Publication of facts, Default	29	987
SOUTHERN TRANSPORTATION CO. PACA Docket No. 5945. Revocation of license for repeated failure to pay for shipments of produce	12	743
SOUTHWEST PRODUCE CO. INC. PACA Docket No. 7144. Repeated and flagrant violations. Revocation of license	17	823
SOUTHWEST PRODUCE, INC. PACA Docket No. 2-2997. Failure to pay promptly and in full flagrant and repeated violations. Sanction. Stay order pending	34	160
outcome of proceedings for judicial review	34	187
SOUTHWEST PRODUCE, INC. PACA Docket No. 2-3696. Dismissal of notice to show cause	34	926
SPANOS, PETER K. d/b/a P. K. SPANOS & CO. PACA Docket No. 8762. Repeated and flagrant violations. Revocation of license. Consent order	21	633
SPECK *et al* PACA Docket No. 4242. Unpublished decision	3	139
SPECTOR, AARON M. PACA Docket No. 2-892. Broker; failure to issue memorandum of sale; suspension of license. Consent	27	748

TITLE AND OTHER INFORMATION	Volume	Page
SPRINGKIST SALES, INC. PACA Docket No. 7617. Amended application for license. Withdrawal of notice to show cause	18	992
SQUILLANTE, VINCENT J. INC. PACA Docket No. 6008. Revocation of license. Flagrant violations of act. Failure to make payment for fruit	13	304
STAFOS, JAMES PACA Docket No. 2-1807. Publication of facts for failure to pay. Default	30	950
STARR, HARRY E. PACA Docket No. 2-1530. Failure to pay. Revocation of license. Consent	29	96
STEIN, J. (JAKE) PACA Docket No. 4	3	302
STEIN, JAMES COMPANY PACA Docket No. 4210	1	697
STEIN, M. S. COMPANY PACA Docket No. 4343	3	523
STEINBERG, GEORGE & SON, INC. PACA Docket Nos. 2-1757 and 2-2187 Removal of stay order and reinstatement of prior order	33	1919
Failure to pay. Bankruptcy no defense. Wilfulness factor; prohibition of employment of responsibly connected person; Due process and equal protection contentions. Laches. Inapplicability of; request for license denied.	32	236
Order on reconsideration	32	486
PACA Docket No. 2-1757. Reopening after default; granted	30	105
Failure to pay; publication of facts. Default	29	1265
Stay order; pending filing of motion to reopen after default	29	1322
STERK, JOHN DICK d/b/a JOHN STERK PACA Docket No. 7755. Application for license denied	18	1444
STILLMAN PRODUCE CO. INC. PACA Docket No. 2-3543. Flagrant and repeated violations. Failure to pay promptly and in full. Publication of facts	34	681
SUMKA, SOL J. PACA Docket No. 7945. Repeated and flagrant violations. Suspension of license. Consent order	19	505

TITLE AND OTHER INFORMATION	Volume	Page
TAMBURO BROTHERS PACA Docket No. 4341	3	807
TANNER, H. AND H. TANNER PRODUCE, INC. PACA Docket No. 2-736. Failure to pay. revocation of license; consent	27	296
TASTY SNACKS, INC. PACA Docket No. 2-2767. Failure to pay. Publication of facts. Revocation of license	32	685
TEICHMAN, BEN & SON PACA Docket No. 5101. Revocation of license. Repeated and flagrant violations of act. Default same as previous*	8	920
TERMINAL FRUIT CO. INC. PACA Docket No. 2-374. Failure to pay. Revocation of license	26	782
THOMPSON, LEON MCKAY d/b/a SAN DIEGO POTATO COMPANY PACA Docket No. 2-562. Failure to pay. publication of facts	26	1128
TODD, BASIL MACK d/b/a THE TODD COMPANY PACA Docket No. 9566. Repeated and flagrant violations. Revocation of license	23	1561
TOLEDO, MORRIS SAMUEL d/b/a M. S. TOLEDO PACA Docket No. 9611. Application for license denied	24	1512
TOLEDO, MORRIS S. d/b/a M. S. TOLEDO COMPANY PACA Docket No. 6434. Revocation of license. Disciplinary proceeding. violation of act. Failure to pay purchase price of produce. Failure to remit consignment proceeds. Failure to render an accounting. Failure to pay an award of reparation.	14	1125
TORRES, DAVID WILLIAM t/a JOPLIN FRUIT CO. a/t/a FOUR STATE PRODUCE SERVICE. PACA Docket No. 2-1102. Failure to pay; publication of facts. Default	28	499
TRACK SIDE PRODUCE DISTRIBUTORS, INC. PACA Docket No. 9811. Failure to account truly and correctly; failure to remit promptly; violation of records requirements; suspension of license. Consent	24	976
TRAGASH, MARVIN CO. INC. PACA Docket No. 2-2700. Stay order pending outcome of proceedings for judicial review	34	437

TITLE AND OTHER INFORMATION	Volume	Page
TRAGASH, MARVIN CO. INC. PACA Docket No. 2-2770. Agreed purchase price; failure to pay promptly and in full. Bankruptcy no defense. Wilful, flagrant and repeated violations. Publication of facts	33	1884
TRI-CITY PRODUCE, INC. PACA Docket No. 2-1184. Failure to pay; revocation of license. Default	28	624
TRI-STATE BROKERAGE COMPANY PACA Docket Nos. 5739 and 5740. Suspension of license. Denial of application for license. Defense of bankruptcy in disciplinary proceeding. Character of disciplinary proceeding	12	725
TRUSSELL PRODUCE CO. PACA Docket No. 2-1128. Failure to pay. Publication of facts. Default	28	266
TURNER PRODUCE CO. INC. PACA Docket No. 9920. Failure to pay promptly. Revocation of license	25	87
UNITED FRUIT DISTRIBUTOS, INC. PACA Docket No. 9351. Revocation of license. false statements in application	24	1234
UNITED FRUIT & PRODUCE CO. PACA Docket No. 6481. Petition for reconsideration dismissed	16	54
Stipulation, suspension of license	15	1369
UNITED PRODUCE CO. INC. PACA Docket No. 2-2362. Failure to pay; publication of facts. Default	31	457
UNITED PRODUCE COMPANY PACA Docket No. 5081. Violation of act. Failure to remit proceeds. Revocation of license, when unnecessary Publication of facts. Failure to make payment for diverted consignment shipment as required by act and regulations thereunder. Defense. Refusal of bank to honor check as not relieving of obligation to remit promptly.	10	33
UNITED TOMATO COMPANY, INC. PACA Docket No. 5136. Revocation of license. Publication of facts and circumstances. Default*	8	1258
VALLEY FRESH, INC. t/a VALLEY PACKING PACA Docket No. 2-3751. Flagrant and repeated violations. Violations. Failure to pay promptly and in full. Publication of facts	34	1724

TITLE AND OTHER INFORMATION	Volume	Page
VOLPE, PAOLO & SONS PACA Docket No. 7930. Repeated and flagrant violations. Suspension of license	19	553
WAGNER, FRED S. PACA Docket No. 7850. Application for license denied.	19	447
WAGNER, J. & SONS, INC. PACA Docket No. 7846. Repeated and flagrant violations. Revocation of license	19	657
WALKER, JACK PACA Docket No. 2-2928. Failure to pay. wilfull, repeated and flagrant violations. revocation of license	32	1864
WARSHAW BROS. INC. PACA Docket No. 7914. Repeated and flagrant violations. Suspension of license; Consent order	19	398
WASHINGTON, JOHN C. PRODUCE CO. PACA Docket No. 2-1127. Failure to pay; publication of facts. Default	28	522
WATTS, JOHN CLARENCE a/k/a JOHNNIE CLARENCE WATTS a/k/a CLARENCE MONROW WATTS, d/b/a JOHNNIE WATTS PRODUCE PACA Docket No. 2-3510. Failure to pay promptly and in full. Wilful, flagrant and repeated violations. Publication of facts	34	406
WEDNER, JOSEPH & SON, CO. PACA Docket No. 2-1456. Failure to pay. Publication of facts. Default	29	1093
WEINSTEIN, A. J. & CO. INC. PACA Docket No. 2-2622. Purchase price. Brokerage; failure to pay promptly and in full. Publication of facts	31	1075
WEISS, JOSEPH AND THEODORE H. DUBOIS d/b/a J. WEISS & T. DUBOIS PACA Docket No. 2-886. Broker; failure to issue memoranda of sale; suspension of license. Consent	27	697
WEST FRANKFORT PRODUCE COMPANY EARL RILEY BURTON PACA Docket No. 5707. Revocation of license. Repeated and flagrant violations	11	681
WEST POTATO CO. INC. PACA Docket No. 2-3503. Net proceeds. Failure to account correctly for and to make full payment of promptly; flagrant and repeated violations. Sanction	33	1441

TITLE AND OTHER INFORMATION	Volume	Page
WILLIAMS, LESLIE E. PACA Docket No. 9521. Dismissal; withdrawal of application for license	23	1186
WITT, J. R. PRODUCE CO. INC. PACA Docket No. 2-2213. Failure to pay; revocation of license. Default	30	1701
WOLF GROWERS, INC. PACA Docket No. 9249. Failure to pay consignment proceeds. Revocation of license. Default	23	144
WOODEN, DONALD L. AND J. & D. PRODUCE, INC. PACA Docket No. 2-2915. Agreed purchase prices; failure to make full payment promptly. Wilful, flagrant and repeated violations. Publications of facts	32	1382
YOSHINO-WESTERN, INC. PACA Docket No. 2-1083. Failure to pay. Publication of facts. Default	28	276
ZAHLER, MORTON d/b/a EASTERN POTATO DEALERS	22	104
PACA Docket No. 8589. Supplemental order		
Misrepresentation; admission; suspension of license	21	975
Consent order		
ZEPEDA, ESPARZA & LOPEZ COMPANY OF DALLAS	31	1067
PACA Docket No. 2-2510. Failure to pay promptly		
Publication of facts		
ZLOTKIN, ET AL Secretary's Decision 2107 (1939)	1	71
ZWICK, LOUIS & SON	26	1118
PACA Docket No. 9910. Stay order vacated.		
Failure to pay promptly, repeated and flagrant violations. Publication of facts. Stay order, pending issuance of further order. Petition for reconsideration dismissed. Stay order, pending outcome of court appeal	25	90

☆U.S. GOVERNMENT PRINTING OFFICE: 1977— 241-408:4

ge
36
91
44
32
76
94
75
37
71
18
00
8:4